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ABSTRACT

With the emphasis changing from paternalism by the federal government to self determination, it is time to set aside tribal politics and work toward developing, strengthening and improving Pueblo governments and leaders. By incorporating basic management techniques into the operation of tribal governments while taking into account laws of the United States and demands of the people who comprise tribal communities, Pueblos can develop sound, businesslike tribal governments without moving away from a traditional form of government. Techniques such as instituting a span of control with a chain of command and lines of authority, creating an organizational chart and a written description for each position in the tribal government, and developing a personnel policy with standards and procedures for appointing, paying, training; promoting or dismissing tribal government employees can provide a basic step in the developmental process. Establishing a reputation of professionalism and quality within tribal governments and organizing and utilizing an effective system of communication between the people and their tribal governments are other key areas for development. To assure continuity programs must be coordinated from year to year to withstand changes in tribal leadership. To prevent deterioration of integrity of funds and to assure continued and increased appropriations by Congress, a complete financial system supported by vouchers must be implemented. (NEC)

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PUEBLO MANAGEMENT DEVELOPMENT

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Researched and Developed by RONALD G. TOYA of Jemez Pueblo

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PUEBLO MANAGEMENT DEVELOPMENT

An approach toward the
development of Pueblo leaders
and their governmental operations

Researched and Developed by
Ronald G. Toya

1976

This work is dedicated to Jack Toya, my grandfather, and the few men in the world like him who have the vision and courage to lead their people into the future without destroying the very essence of life itself.

This analysis has been prepared with the sole purpose of developing, strengthening and improving Pueblo governments and their leaders. The material presented here may be reproduced as needed locally as long as all material is used in context and in line with the purposes in which it was presented and as long as the source of the information is properly identified and credited.

PREFACE

Many of these thoughts are not original; most are echoed from Pueblo leaders and tribal people or from management concepts. Many people were thinking them, managers were looking for them, philosophers were discussing them. But great ideas have a way of going unused until someone gives them substance and puts them into action. I am looking for your help to work in your community, to put these ideas into action. I am looking for your support in making your Pueblo government the responsive government we both want it to be. It's your government - can you afford not to contribute to the survival of your community?

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Pueblo Management Development

The development of tribal governments has been the project of many different groups and many different people across the United States. But these analyses have been done mostly by non-Pueblo people and fail to take into account unique Pueblo customs, traditions, and operations. Many of the solutions offered by these people would solve many governmental problems, but at the expense of Pueblo traditions and way of life. Many of these studies also fail to address the real problems - and they give no concrete solutions, merely abstract or theoretical solutions which are not easy to adapt to the Pueblo way of doing things. This study will confront problems faced by Pueblo governments directly without ambiguity or misdirection and will offer solutions and assistance to Pueblo leaders without the fear of violating traditions. It will confront issues directly, as they exist.

Only by facing the issues honestly and openly without deception and without hiding the root of the problem can the problem be solved. This document will bring out many controversial topics. But these topics must be faced and discussed rather than ignored as if they do not exist. To ignore the issues is to ignore the problem and enough energy has already been wasted working on issues which are important but which are never resolved because of administrative problems. The only way to avoid this frustration is to attack the problems honestly and openly, never forgetting that a government's purpose is to work for the improvement of the community and for the people served by government. This cause is open and honest and its means are just. These aims can be achieved within the framework of Pueblo traditions, without disrupting community lives. The point that is very important here is that a Pueblo can

have a traditional government that can meet the demands of the non-Indian world, that can meet the demands of its people, and still keep its traditions. The Pueblo people have a way of life that they are proud of, but they must now work to amplify and extend their system and to save it for future generations.

The process of providing services to Indian people is a large and complex process. But this study will limit discussions to the part the Pueblo government plays in that process. The only issue not discussed in this analysis is the popular election of officials; that is, voting for Governor, Councilman, etc. This type of government is used in different forms by seven of the nineteen Pueblos already. The election of tribal officials and the adoption of a constitution are emotional as well as practical issues which have a lot of support and opposition. Every Pueblo should look into these issues and evaluate the advantages of going to a constitution and/or electing its government leaders. Many Pueblos are looking at these possibilities. Most of the proposals written by the Pueblos for the Bureau of Indian Affair's Tribal Government Development Program indicated interest in investigating the possibilities of constitutions for their Pueblo. The interest is there, the need may be there, and this MAY be the route to go. But this must be discussed on a Pueblo to Pueblo basis and therefore will not be a concern of this analysis.

What is discussed here, however, will be relevant to Pueblos with or without constitutions and elected officials. It should be noted that the Pueblos went to constitutions as a way to improve their government and solve some of the problems discussed here. But a constitution in and of itself will

not solve these problems. In fact, through initiating the basic management principles this study discusses, you can improve the operations of your government and still maintain your traditional process or your constitutional process. Good managment, timely decision making, qualified personnel and a will to do what is best for the people and community will succeed whether officials are appointed, elected, or volunteered. Realistically, people are not concerned about who makes the decisions or how he was selected or even what type of government they have as long as this individual and this government meet their needs, answer their questions and are responsive to the entire community, not to a few selected individuals or groups in the community.

There is only one reason for this analysis - that is to strengthen Pueblo governments and make them responsive to the demands of their people. The problem is how does a Pueblo put its government together to make it work better for its people? This analysis is an effort to answer that problem. When one considers the resources, assets and people in Pueblo communities, one finds, already present, the tools and abilities to assist tribal leaders in the process of forging Pueblo futures. This analysis endeavors to help Pueblo leaders put these assets together in the most productive and responsive manner.

The Pueblo government is the guardian of each Pueblo's culture and customs and of its laws and people. It is each government's decision whether it will meet that responsibility or allow itself to drift. No group of people has ever succeeded which did not first analyze its problems and then dedicate its resources and energy to solve them.

Many Indian tribes, including the Pueblos, find themselves trying to exercise their sovereign powers as a governing body while not having the administrative expertise or functioning mechanism to execute these powers. Pueblo leaders need to examine the "nuts and bolts" of administration. Indian governments are sovereign only in theory if they do not actually exercise their governing powers. Some tribes have already developed sound administration and management procedures in parts of their tribal government operations to facilitate the operation of their government. However, in order to assume the full operation of their government and realize the full potential for self-government (this includes both in the delivery of services and the exercise of tribal power), there are most definitely areas in Pueblo government - and they vary from Pueblo to Pueblo - that need improvement.

The effort of this study is to incorporate basic management techniques with the operation of tribal governments and at the same time take into account laws of the United States and, as importantly, the demands of the people who make up tribal communities. By doing this, Pueblos can develop sound, businesslike tribal governments without moving away from a traditional form of government. By making government businesslike Pueblos can actually preserve those elements which handicap tribal operations and do not contribute to the "Indian" quality of life. Pueblos are already moving in the direction of stronger governmental operations; the suggestions of this study will work to help that process.

The time for such an endeavor is not only due but long overdue. By failing to exercise authority, by failing to meet issues, by failing to meet the

demands of their people, it will only be a matter of time before Pueblo governments crumble from within and are replaced by some form of government which may or may not resemble what they have now. Where will your tribal government be fifteen years from now? There will always be a piece of land known as your Pueblo reservation, and there will be a form of government over that land. But will that government be a government of YOUR people, or will it be a government dictated by some outside force such as a federal court decision or some type of new legislation? You can decide the future of your Pueblo government; you can work to make it the type of government you want, or you can let it drift into the type of government you don't want. Those who want to enjoy the benefits of the Pueblo way of life must provide the sweat and the impetus toward preserving the Pueblo communities.

If you are involved in your tribal government, you have probably heard comments like this: "The tribe doesn't know much about its own ordinances", or "The tribal court does not listen to both sides," or "The Council doesn't know anything about that." A Councilman once responded to a request for a general community meeting made by a BIA official by saying: "We are the Council; we will decide what to do. Then we MAY tell the people what we decided." Your tribal government can operate this way, but for how long? To survive, to be effective, the tribal government must respond to the needs of the people.

Think for a moment, what entity, other than one's family, has the most effect upon an individual's day to day life? Tribal governments have more impact on people's daily lives than the state government, the federal government

or international affairs. People see the effect of their tribal government and tribal administration the same day that government takes action. Actions, or more probably rumors of actions, are talked about in homes, bars, at ball games, everywhere. People will, therefore, demand a certain degree of decisiveness and quality from the most important organization of their daily lives.

Pueblo governments will respond to the demands made upon them, one way or the other. One of the following will happen: the Pueblo government can evolve and grow into a responsive unit for the people, or the Pueblo government will be forced by the needs of its own people to undergo change. The first way will preserve traditions and will preserve the Pueblo way of life; the second way may well destroy the very essence of community life in the Pueblos. The choice is to be made by those in leadership positions now. Whatever is lacking is up to those in leadership positions to seek, to provide, to resolve. Take action and be responsive to your people now, or do nothing and wait for the frustrated people of your community to force changes on your government.

Pueblo members and Pueblo leaders have recognized their need for better governmental operations by looking at their government and asking "Is this the best way to do things?" and "What can we do to have a better operating and more efficient Pueblo government?" Look at the areas requested for funding by the Pueblos themselves under the Bureau's Tribal Government Development Program:

(1) "expand and modernize tribal government functions"

(2) "develop skills necessary for individual Pueblo leaders to fulfill nore effectively their roles and responsibilities as tribal administrators"

(3) "establish a Pueblo membership roll, including ordinances"

(4) "increase the quality of services currently being provided by establishing positions to assist tribal officials, such as a secretary, administrative aide, and a bookkeeper "

(5) "provide a professional administrative training "

(6) "develop a comprehensive plan for the operation of a reservation criminal justice program"

(7) "establish a tribal constitution"

(8) "establish and implement a records keeping system"

(9) "develop a law and order code"

(10) "develop a tribal newsletter"

These are statements representing areas for which the Pueblos themselves are asking funding and these statements represent the Pueblo identifying its own needs. The Pueblo leaders themselves are looking at their government operations and deciding where they can improve their government. There has been much thought about improving Pueblo governments and even some very bold efforts toward change and progress. This presentation is an effort to assist Pueblo leaders in the development of their government, a need they themselves have already identified.

Pueblo Leaders Speak

Pueblo government is unique among the governments of other Indian tribes. Comments, suggestions and techniques of other Indian nations may not be relevant to Pueblo situations. Consider the comments on the following page about Pueblo governments from Pueblo leaders themselves. These Pueblo leaders are knowledgeable in Pueblo history and culture; most were governors at one time and are now Councilmen. These are leaders with a sincere determination to improve the Pueblo communities within Pueblo traditions and culture. What they said may not solve the real issues, but they do one thing - they show that there is the need to take a good look at the operations of Pueblo governments. Hopefully, ideas stirred by these comments will help develop Pueblo governments and will suggest some positive, constructive courses of action - courses of action you can use to improve your tribal government; for in the final analysis it is up to you as a tribal official or tribal member to make your government reponsive.

The following comments were taken from the minutes of the joint Bureau of Indian Affairs - All Indian Pueblo Council conference entitled "Improving Community Communications and Development" held at the University of New Mexico. The second set of comments were taken from various discussions with tribal leaders. In most cases, the author of the quotation can be identified; however, their names are not being included so that the spirit in which they were made will not be compromised. From these comments it is apparent that Pueblo leaders themselves realize their tribal governments are not up to the level of the demands being placed upon them. Logic shows

that a tribal government is a weak government if the administration cannot carry out decisions made by tribal leaders. Here are a few of the many comments by tribal leaders:

> "There is a lack of communication between the Council and their people. We need to consult the people. They are the ones who should decide what they want and pass it on to the Tribal Council so they can plan programs people desire."
>
> "It is the responsibility of Pueblo leaders to inform staff, subordinate officers, Pueblo elders and Councilmen about the subject matter coming into the Pueblo."
>
> We need to have a plan, improve the communication system, and get the cooperation of our people. We need to communicate with our own people - older as well as younger people."
>
> "I feel that the time has come that we should start to do something within our own community. It's up to the individual Pueblo to take a stand which way they want to go. The old direction is good, but still we must inform our people as to what direction would be best for our community."
>
> "People need to be aware of the problems confronting their people, such as civil rights."
>
> "We need to expose tribal leaders to all areas of tribal functions."
>
> "People should be allowed to voice a want to the Governor and Council, so they will know what it is people want."
>
> "When and if the time comes that your Pueblo runs its own schools, see that you are qualified to do so."
>
> "We must gear our government operations to the technological and business world."
>
> "Term for Governors should be two years to carry through on things he started . . . Governors cannot always be found in their office."
>
> "We need continuity from year to year in tribal government. If you plan long-range programs, at the end of the year programs are changed. Tribes perhaps set two year terms for Governor."

Other comments also from Pueblo leaders:

> "Input from tribal groups is very hard to get."

"It is to the advantage for tribes to have people's involvement because programs affect all the people. If they have input or at least a knowledge of what is being done, it will make the tribal government's job easier."

"Tribal business always seems to have a deadline, every decision seems like it must be made today or lose our altogether."

"A lot of program problems at tribal level is because of misunderstandings of how programs work."

"The reason we are having trouble today is that out religious council is interferring with our governmental operations, an area they know nothing about. When religion dabbles in politics, we are mixed up."

"Tribal government is often nothing more than tribal politics. A problem is viewed on an individual versus individual basis rather than on the merits of the situation."

"A dictatorship type of government will not be permitted to operate in this Pueblo."

"We are under the gun from our own people."

"I'm sorry to say only three pueblos were represented - there were more non-Indians than tribal leaders there."

"Our own worst enemies are our own Governors and tribal representatives, by some of the statements they make."

"We have to have an administrative process; we have to have a system to manage personnel, funds, records, etc. We are now on a hit-and-run basis in our administrative affairs."

By the preceding comments from Pueblo leaders, it is evident that it is only through a strong tribal government that individual problems of a community can be solved. The comments recognize that some internal changes within the tribal governing or administrative structure may be necessary to meet changing conditions in Pueblo communities. These changes would be made to facilitate the operations of Pueblo governments in the management of THEIR resources for the benefit of THEIR members. It is only through a strong, well functioning Pueblo government that tribes can manage their own affairs.

The smoother your government runs, the stronger it will be. Tribal government can no longer be satisfied with putting out brush fires. Tribal governments must do longer range, broader planning to set objectives and goals for their tribes.

The people of the Pueblos want integrity, quality and professionalism in the programs that affect Indian people whether these programs originate with the BIA, state government or the federal government. They also want this same professionalism, quality, and integrity in their Pueblo governments. After all, as said earlier, it is the tribal government which affects their everyday lives the most.

But only the tribal government itself can evaluate how it functions, and only the government itself can determine how and where it must make improvements. This basic and necessary evaluation process rightly lends more and more importance to the Pueblo governments. But it also places more demands on Pueblo governments - they must now be capable of meeting the traditional demands of their people, the governmental demands of their people, and the business and other demands of the non-Indian world upon their people. The ultimate test for any Pueblo government is achievement - generating results for the benefits of the people and community. People want more accountability from their officials and demand a dollar's worth of services for a dollar spent. This is what people want; this is what they are even demanding.

Strong Tribal Government

The foundation for the Pueblos' running their own affairs is a strong, effective tribal government. Of all the Pueblos' rights - water, land, hunting, etc. - the most important is the right to run their own affairs. This right to self government has been recognized by the federal government and upheld in various court decisions for more than two centuries. The only limits on tribal sovereignty are those limits imposed by federal law. With the authority for self-government proclaimed by the Congress and the courts, the Pueblos can now develop their governments and operate their governments as they please as long as they are within the laws of the United States.

In developing strong governments, the major asset is not money, though some people think throwing in more money will solve their problems. The major assets in developing strong tribal governments are: (1) the quality of the people in the government, including the Governor who heads the government and the Council who legislates the government and, (2) the decision making process used in that government. That is, the major assets in developing strong tribal governments are the how, why and by whom the decisions are made.

What does this mean on a day-to-day working basis? It means that the Pueblos have the authority - the right - to make their own decisions and run their own affairs. But it also means one thing more - the Pueblos are also responsible for the administrative details and the management responsibilities that go with each decision they make. Along with every right and authority, there

are many responsibilities - responsibilities that must be met if the Pueblos are to continue to run their own affairs. The following quote has been heard in one form or another in Indian affairs for several years: "The American Indian is the final judge of his own future. We will decide what is good for us; we will decide what we want and how we want it." But the question must be asked: How will the Pueblos judge their own future? How will the Pueblos decide what is wanted? Will the individual Indian be considered? Will the decision be the will of the people or the will of the one or two people in control of the tribal government.

Decision making is being put onto the shoulders of tribal leaders, and having everything directed to you is a very lonely position. The business of being a leader of your tribal government is a great challenge - especially in today's dynamic world. Where can you go for assistance? As things get bigger and more complicated, where can the Councils go for assistance? Leaders can start by making the tribal decision making process as smooth and business-like as possible. As the demands upon tribes grow, leaders must make their government responsive to those issues. Tribes must bring their governments up to par with the demands upon them. Pueblo governments must gear their operations to and be able to work within the technological world and the business world as well as the Indian world.

In the days when Pueblo fathers led their people, they made their government responsive to their new lives - they changed their government because the demands upon them changed. Pueblo governments have changed many times in the past because life changes. As a Pueblo leader recently told his people:

"We the people of Pueblo have known our way of life since the time of dawn and we have preserved our way of life from the past on to the present day. Many things of the world have changed and we the people of Pueblo have also changed in many ways - economic needs, community needs and also in the needs and operations of our Pueblo governments."

Just as the Pueblo leaders before you made their government adapt to the new world, to the new lands and to new problems, you as today's Pueblo leaders have been given the authority to lead your people - to adapt your government to the new demands and problems it faces today. It is your decision to decide how best to meet the demands of your people, the demands of other Indian and non-Indians. Pueblo forefathers have paid dearly for the preservation of Pueblo governments; it is now up to today's Pueblo leaders to preserve tribal self-determination.

Indian tribes cannot retreat to old times, nor can they isolate themselves from the progress around them. Problems will not be resolved by inaction; they will only get worse. It is up to tribal governments to take the initiative to meet the changing times and conditions which face them. Failing to do so will have the Pueblo way of life facing extinction. Pueblo governments cannot live in yesterday. Now is the time to make appropriate responses to contemporary problems. Pueblo governments must be prepared to face the reality of the future and to deal with this reality in a contemporary and appropriate manner. The Pueblos must meet the challenges of the future with new methods wherever past methods no longer serve the purpose.

Since the non-Indian arrived on the North American continent, the Indian's life has been dominated by forces beyond his control. The Indian has reacted to events rather than making them happen for him. The Indian of the past did

not chart his own destiny, but was lucky and hardy to survive within the reality of situations incongruent with the Indian life. Pueblo leaders of the past fought to preserve the communities you have today and it is to their credit that the Pueblo community survives today. The future survival of the Pueblos now depends upon today's leaders to project Pueblo society into the future. Tribal governments must now look toward the future with unity and with a vision of design and reality. It is time Pueblo governments grasp the future now before they meet forces from within as well as from outside which will be unsympathetic to the existance of any Pueblo community solely for the sake of its existance. You must protect the values and the culture of your people. As stated by an African visitor to the United States: "We should be more concerned about what we are doing to ourselves than what others are doing to us." No one from outside can save the Pueblo - these outside agents can destroy Pueblo government, but they can't save it. No one can save your government and communities but you.

LaFollette Butler, one of the foremost leaders within the Bureau of Indian Affairs and chief architect of the implementation of Public Law 93-638, the Indian Self-determination and Education Assistance Act, expressed this same point by emphasizing tribal leadership:

> Let me make this point about self-determination: Tribal governments are the only governments in this country that risk abolishment or termination when they select incompetent and/or corrupt leadership.
>
> If the President of the United States subverts the laws, bringing a sense of shame and outrage upon all of us, no one calls into question the fundamental right of the people to govern themselves.

If the Governor of the State of New York makes an error of judgement in a prison riot, no one suggests that New York State cannot govern itself and, therefore, ought to be under the jurisdiction of Vermont.

If a country sheriff fails to read a citizen his rights, that doesn't threaten the jurisdictional powers of all county governments.

No, all that is demanded in each of these cases is: "Throw the rascal out!"

When tribal officials are suspected of these high crimes and misjudgments, the hue and cry is raised: "See, they cannot govern themselves. Put them under state jurisdiction!"

All governments are complicated and tribal governments are even more complicated because there are many religious and ceremonial aspects involved. But all governments must adapt to the new world around them or they will wither away. We do not want to hear Pueblo leaders say what an official of government said during the French Revolution: "I must find out where my people are going so I can lead them."

The Indian world no longer means only the Pueblo or the reservation. The Indian world is expanding and today is affected not only by events in New Mexico but also by events in Washington and all across the United States. As Pueblo leaders, you can no longer get away with being nearsighted - you must expand your world and have spacious thoughts to deal with this spacious new world.

It is not reasonable to expect to remain relaxed and comfortable in the midst of complex social, economic and political activities and the constant strains on tribal governments. Only by being able to meet the problems of the world can the Pueblo people run their lives the way they choose. Running

a tribal government is not a restful occupation. The business of being the leader of tribal government is a great challenge in today's dynamic world.

The purpose of Pueblo governments includes organizing people and functions for the benefit of the community, which includes providing services to the people. The purposes of the Bureau of Indian Affairs, the Economic Development Administration, state government, the Community Action Program, revenue sharing and all others is to provide assistance to tribal governments. They assist you in providing services to your people, but the main responsibility belongs to the tribe. One Pueblo official recently said, "We are a spoiled people - we left everything for the BIA to do." Tribes must involve themselves in the solution of their own problems. After all, who can know better what you need, what you want done, and how you want it done than you? But to identify and meet these needs, the Pueblo must develop the mechanism, the administration and the operations to solve the problems locally.

BE IN TOUCH WITH YOUR PEOPLE

Do not become isolated from the frustrations of the people you serve. A good tribal leader should be knowledgeable as to the needs of his tribe and reservation and should know how to relate the problems of his people to the programs available to him. He should be able to take opportunities and turn them into profitable programs for his tribe.

Regardless of the type of government - a representative government like the United States, a dictatorship, a monarchy, or a traditional Pueblo government - no government can survive without the support of the people it is there to serve. Communist governments have been forced to change or die when people refused to support them. Dictatorships have crumbled when these governments have ignored the people and gone on their own too many times. No government by coercion can survive for any length of time - no government can survive any length of time without meeting the needs of its people.

Traditional tribal governments are being challenged from within - by the Indian people themselves - either because the traditional government has lost control to a small group of people or because the Pueblo refuses to make decisions in line with the concerns of the majority of people, or because the Pueblo simply fails to make timely decisions. The result has been friction within the government and a challenge to Pueblo traditions, which in most cases become scapegoats for the real issues. You will find that dissatisfaction actually lies with decisions which do not consider the interests of the community, rather than with the way in which those decisons are made.

At a recent meeting in Albuquerque on Public Law 93-638, a tribal leader stated: "It is good that you want input from Indian tribes, but you should keep tribal leaders' comments in perspective as leaders of their people." Such a comment is 100% true - if tribal leaders in turn keep their people's needs in proper perspective. Without this more basic perspective, the previous statement is not worth even mentioning. Without the perspective of his people's views, a leader speaks as if his views are the community's, which is not always the case. There is no faster way to develop an integrity gap than to pass off your personal views as the views of your people and Council.

The trend of recent legislation and the trend of administrative activities is to place emphasis on tribal expressions of needs and not second party BIA, EDA, ONAP, etc., interpretations of those needs. This is what tribal leaders in the past have expressed; the programs are for their people and they should decide what programs they want. But now that tribes have the opportunity to specify priority program areas, it is necessary for tribes to make sure that the Governor or spokesman specifies the real needs of the Pueblo and not his personal needs or the needs as he alone sees them. The entire tribal government must be involved in needs assessment or else the effect will be biased priorities or different priorities every year, resulting in waste and inefficiency. (As there is not enough money available to meet present needs, can you affort to waste the resources you now have on individual pet projects or other unilaterally determined goals?)

The phrase in the United States Constitution - "Deriving their just powers from the consent of the governed" - means that the people decide what type

of government they want, from a representative government like the United States, or a Communist government like the Soviet Union, or a dictatorship, or a monarchy or any other type of government. But it also means that as long as your decisions are what the people want, you can make decisions and run your government pretty much the way you want to. People will not want to change a good thing. However, when decisions are made to benefit only a few community members, or when ordinances are not applied equally, the people will take the power away from those who have it. And don't underestimate the power of the people. The BIA Superintendent used to make the decisions and then tell the tribes what he did. Now, Councils are getting more sophisticated and they are asking the Superintendent "Why?" Likewise, the time is here when the Councils can no longer do something without telling their people "why," because their own people are getting more sophisticated also. There have been situations where citizens' committees at several Pueblos have been strong enough to challenge and change tribal policies and now whole governments in Indian affairs are being challenged by their people.

The complaints of most of these citizens' or people's committees have been the same - inequality of laws, unfair and unjust courts, financial irresponsibility, irresponsible business management, nepotism and partiality, secrecy, and misuse of power. The time is now for governments to get in touch with their people before people, though acting in good faith, take unilateral action and the Pueblos become split by internal problems. Such a confrontation will damage traditional government and surely take efforts away from the real needs of the Pueblo, such as solving unemployment and

under-employment problems, getting adequate housing and health care, problems in the areas of education, land, water, law and order, etc.

The point here is that no matter who has the authority in the government, no matter who makes the decisions, no matter how he is selected to have this authority, every Pueblo leader should ask himself at the end of every day: "Did I help meet the human needs of my people?" A government is only as good as its performance proves it is.

THE RUMBLES FROM WITHIN

A group of young adults approached the Pueblo Governor and asked permission to hold a dance in one of the community buildings. The Governor refused not only permission to use a Pueblo building but also permission to hold a dance anywhere in the Pueblo. These young people then went to a nearby town; after drinking and dancing there for several hours, the young men got into several fights, assaulted two young women, caused two minor traffic accidents and damaged property. Looking further into the situation, one can see that there are no recreational opportunities for the young people in the Pueblo. There is also a lack of recreation opportunities for adults, which may be a reason why many find alcohol an enjoyable passtime.

What is the Pueblo government in the above example doing to solve this problem situation? Nothing. To this date, there is no recreation program of any consequence for Pueblo residents. There is still no chance for individuals in the community to organize a recreation program of their own. The excuse? - there is no money available. Money is not the answer to every problem. Certainly, it would be desirable to have a full time recreation director at every Pueblo. But this would take money. However, it doesn't take much money to leave the community center lights on for three hours one night for a dance or vollyball game. It doesn't cost much to borrow a projector and show movies of baseball or basketball teams or cartoons for an evening. Certainly $10,000 would be good to have for a recreation program, but $100 can go a long way too. All that is needed is someone willing to do a little work and, more importantly, action and assistance from the Pueblo government.

First identify, then meet, the needs of your people. The ultimate test of your administration is the ability to achieve results and generate benefits to your community. A government that does not respond to its people or that functions independently without financial accounting, without justice, without good management or that indulges in some other abuse of power will destroy itself. To decide its own future, the Pueblo government must respond to its people and it must have the mechanism (the process) to be relevant and reflective of the people's wants. Without the support of the people, government will serve but a few and will be like a giant ship without an engine or a rudder.

The challenges being brought today by various citizens' committees among the Pueblos are not being levied against tribal religious tradition but rather against poor administration, poor delivery of services, and other forms of poor management. The individual Indian feels he has been left out and now must be considered when designing, planning and implementing any policy or program on his reservation. When Pueblo people speak out about their tribal government, they are not speaking against their community traditions or being disrespectful of the positions of Governor or Councilman; they are speaking out against the quality of leadership, the quality of administration, the integrity and intent of decisions. Accept the criticisms of your people as ways to help the community and government rather than as assaults on the traditional way of life.

An article recently appeared in a Northern New Mexico newspaper which stated that at one of the Pueblos "the traditional laws of the Pueblo have been violated and ignored; the tribal government is not responding to the needs of

the people: large sums of money appropriated to the Pueblos are not accounted for to the people of the tribe; the future of the people and especially their descendents is in serious jeopardy." In an article in the January 7, 1975, Albuquerque Journal, a young Indian man states: "Our people have suffered long enough because past tribal administrations simply refused to communicate directly and clearly with the grass-roots people. This practice must stop, lest there be war by the people in open defiance to an unresponsive tribal government."

A headline in the Albuquerque Journal on May 9, 1976, said "Pueblo Council Will Face Test." The situation concerned seven tribal members who were asking a federal judge to overturn a 1974 zoning ordinance of Pueblo land. The headline said it all: The council is facing a test of its ability and power to govern its own people. And the rumblings are coming from within. If you cannot hear the unrest in the Pueblos, you are not listening. The National Tribal Chairmen's Association reminds tribes of this very fact by stating in their position paper: "Tribes must be ever watchful and alert to attempts at erosion of the tribal government decision making process, both from without and within." These examples may not have been taken from your Pueblo, but do not be fooled that they could not happen in your Pueblo. The time for good government, for responsive government, is now, before Pueblo traditions and ways of life are shattered.

Again refering to the National Tribal Chairmen's Association, the organization is encouraging tribal members ". . . to settle their grievances with their duly elected tribal governments by exhasting traditional, administrative and legal remedies or by negotiation and arbitration, before resorting to suits

against tribal governments. The prosecution of suits against the tribal government and decisions of the Federal Courts conceivably could result in internal erosion of tribal laws, customs, traditions, and identity." One Pueblo government is listening. A Councilman for this Pueblo recently drew-up a list of eleven different items which he hopes the Council and Governor will consider in an effort to improve their government. These items concern themselves only with administrative matters, but if they were followed, they would turn the tribal government into an effective operation instead of one that drifts from day to day. His suggestions include requests for financial accounting, minutes of council meetings, and fair considerations of employment applications. One can hardly call these changes a threat to traditional Pueblo government.

Again hoping to strengthen his Pueblo government from within, another Councilman at a different Pueblo drew up the following resolution for the consideration of his Council:

PUEBLO GOVERNOR'S COUNCIL

WHEREAS, our Pueblo's traditional form of self government has been in existance since the beginning of time and has been recognized by the Spanish Government, the Mexican government and the United States Government, and

WHEREAS, the traditions of our Pueblo as set throughout the years is to appoint a Governor and staff by the Cacique or Religious Council with authority to rule and guide the community and people, and

WHEREAS, the officials serve a one year term and at the end of that term, which is one calendar year, the Governor is officially designated to the Governor's Council for life or to a time of his own decision by the Cacique Council, and

WHEREAS, the Governor's Council has the responsibility of advising, consulting, and guiding the Governor and his staff

in all areas of community and tribal affairs, and

WHEREAS, the Pueblo Governor's Council is only loosely organized with no minutes or records of tribal decisions taken or kept,

NOW THEREFORE BE IT RESOLVED that the Pueblo Governor's Council be organized by the Pueblo Governor and Governor's Council members for the purpose of strengthening our Government through improved communication, more information, and smoother operations.

Life is a changing entity that cannot be effectively dealt with by static processes. Just as these Councilmen have done, take a step, no matter how small or how difficult, to meet this challenge.

RELIGION IN TRIBAL GOVERNMENT

One aspect of all Indian governments is the overlapping and interweaving of religion and secular affairs. Religion plays such a prominent part in the daily activities of Indian people that it is impossible to completely separate the two without causing tremendous struggle within the community and without drastically changing the system. Many tribes in the United States, especially tribes with constitutions and elected officials, have been able to separate religious and secular affairs, but this separation was a struggle even though they were aided by the fact that they are not as traditional as the Pueblos.

The situation of religion in tribal government has been recognized since the coming of the white man from the east and the Spanish from the south. Spanish officials forced the Pueblos to appoint secular Pueblo leaders to represent the Pueblos in their governmental dealings with the Spanish. The demand by the Spanish caused many changes in Pueblo government and forced religion to be separated from government or the Pueblo leaders were to be punished with death. The incentive of death is still with the Pueblos today - but death will be that of losing one's government and power rather than losing one's life.

In the Pueblo tradition, religion is so much a part of the individual's life and it is so much a part of the government, as is signified by various traditions in Pueblo lives. But there is not a problem - there is no conflict - between running an efficient, businesslike government and maintaining traditional beliefs. Pueblos don't have to give up their traditions and

Pueblos religion to be businesslike in the operation of governments. And being unbusinesslike does not make the Pueblo more traditional and religious. For example, a complete and accurate financial and accounting system does not make a Pueblo more or less traditional; it does make it more effective. Getting decisions made and planning long range programs do not make a Pueblo more or less traditional, nor do these concepts violate religious practices. They do, however, help Pueblo leaders function and perform their duties.

It is advantageous to separate religion from governmental operations whenever possible. Why: Because in order to survive, religion must be rigid and unchanging. But government in order to survive must be flexible enough to meet the dynamic and changing world it must deal with. Life is change, and the Pueblos need a government to handle a changing process and new and different situations every day.

INDIAN BUSINESS IS LOCAL BUSINESS

The importance of tribal government is growing because funding is going directly to tribes rather than the tribes depending on the BIA to provide all services. In a recent talk, Homey Secakuku, Chairman of the Uintah and Ouray Tribal Council, described the tribal chairman's role as a very lonely position. Chairman Secakuku stated that everything in tribal government is directed to the tribal chairman and "the decision making responsibility is being put directly on the shoulders of tribal leaders; the Bureau is now an advisor, a staff person, who assists the tribe rather than making decisions for the tribe." The chairman's main role is "his responsiveness to his people, to members of his own tribe, to keep them informed."

By not having a functioning decision making tribal government, leaders cause many people not in the Pueblo to become involved in making decisions for the Pueblo. The result is that the tribes have lost control or have given up control by not making their own timely decisions. Tribes must work to maintain tribal sovereignty by making decisions themselves and not allowing someone else to arrive at decisions for them. It is one thing to gain assistance from outside entities - "experts" such as attorneys, BIA officials, consultants, program directors, etc.; it is quite another thing to accept blindly the decisions of others without analyzing the decisions yourself. The final decision must be the tribal decision. To do this, tribes must have the mechanism and the administration to make their decisions with both speed and quality.

In dealing with national affairs, Pueblo leaders, government officials and members of Congress should never lose sight of the fact that Indian affairs

are reservation affairs. All legislation, all administrative decisions, must be centered on the reservation Indian. The Pueblos have had enough of national Indian programs authored perhaps with good intentions but which lack understanding or adaptability or relevance to reservation settings. There is a place for national affairs, a very definite place. But those must be second to local reservation-based problems.

Every national program or organization has as its purpose for being the same base - the reservation Indian community. It is time Pueblo leaders concentrated on local affairs and implementing programs at a local level rather than spending a large amount of time in broad and general national matters which are for the good of everyone but for the benefit of none.

TRIBAL GOVERNMENT RIGHTS

The United States government has ruled that Indian tribes can interpret their own constitutions and that those tribes without constitutions can interpret their own traditions. If tribes abuse this authority, especially Pueblos without written constitutions because these Pueblos have not formalized their traditions in writing, they may lose this right and find the federal government interpreting their traditions for them. But more likely and more importantly, the tribes will lose the faith and the support of the Pueblo people. For example, one Pueblo passed a resolution in Council and in the traditional Pueblo way without written documents. Their Governor then proceeded to halt the Council's recommended actions at the BIA by saying no written resolution was passed. If these short-sighted actions continue, the tribes will be the losers, not the BIA or anyone else.

In another case, a Governor and 75% of the Councilmen fired a tribal employee for discrepancies in a program under this employee's direction. Two weeks later with a change of administration, the new Governor went against his Pueblo Council and rehired the employee. In another case, a Governor and one of his staff signed several resolutions at different times during his term stating that certain actions were considered by his Council. The fact was that no Council meetings were held on those dates (or anytime near those dates) and furthermore, the majority of the Council was against the actions taken. Again this illustrates an abuse of tribal government powers that could destroy tribal government.

As Pueblo leaders you speak for and represent all your people, not just

yourselves. Many Councilmen and Governors speak in terms that what they say is what the people and the tribes want. This is dangerous if what you are saying is not true and does not represent the majority opinion; you are only undermining YOUR authority because the people you deal with will know that you are not speaking for everyone, but only for a few. It doesn't take people long to find the truth.

These are just a few of such happenings; as one of the people's committees states, "The traditional laws of the Pueblo have been continually violated and ignored . . ." What was their suggested course of action to correct this abuse by the tribal government? They said: "The present tribal government must act in the best interests of the people of (this) Pueblo or the people of (this) Pueblo must exercise their right to an alternative form of government." Are you willing to take a chance on the form and philosophy of such "alternative forms of governments?"

The above situation could have been avoided if the tribe had not (allegedly) violated its traditions. It is to be hoped that by bringing this out in the open now, other tribes can realize what is happening and correct similar situations before they reach the point of citizens pushing towards a change in governmental form, philosophy and operations. This "alternative form of government" may or may not be what the people of the Pueblo want their government to be. It is far better to solve problems by working together within the present structure than to lose centuries of effective and sound government practices to possible misdirected governments born from frustration.

The above example urgently suggests that the Pueblos should make an effort

to formalize many non-religious governmental traditions by placing them in writing for all to understand and live by and that as many issues as possible should be discussed openly. Any further evaluation as to what other steps should be taken must be made by the tribal government itself, internally, for only they know their traditions and how best to handle them. Additional formalization of traditions in the governmental area cannot come from outside the Pueblo. It has been said before: "It is far better that needed reforms come from within rather than be imposed from the outside or, worse yet, ignored."

President Andrew Jackson stated "There are no necessary evils in government. Its evil exists only in its abuses." The same can be said about tribal governments. Continuing to abuse the powers of government will lead to an evil worse than the spread of any plague.

PRE-EMPTION AND DEFACTO POWERS

It is a common policy among people and groups of people to avoid making decisions or to not tackle sticky problems until it is absolutely necessary to do so. This is true to different degrees with government agencies, school boards, and all organizations where decisions must be made. It is even true in regard to individuals and to families - people don't make decisions sensitive to their relatives or friends until they are forced to. Most of the time individuals avoid trouble by avoiding tough decisions. But a tribal government cannot afford to operate this way. This is because of the doctrine of Federal Pre-emption. Federal Pre-emption is a power which allows the federal government to take action in a situation if the local form of government does not take action.

The doctrine of Federal Pre-emption operates on the premise that someone must manage the affairs and address the problems of the community. By meeting their responsibilities as a governing body, state and local governments are allowed by the federal government to retain their authority. A good example of this is in regard to the state's authority to regulate laws regarding air pollution. The federal government has told the City of Albuquerque and the State of New Mexico to establish a workable method which will reduce the amount of air pollution in Albuquerque. If they do not have a workable plan by a certain date, the federal government will dictate a plan to Albuquerque. By failing to establish a plan, Albuquerque will lose its authority to regulate air pollution controls in Albuquerque.

The same doctrine also applies to Indian tribes. Whether it is housing, flood control, law and order, education, or any problem facing the Pueblo, the federal government could take away Pueblo authority to regulate in this area and run the program for the Pueblo if the tribal government fails to meet objectives and provide services. If tribal governments do not exercise the authority they have to effectively govern themselves, the danger exists that such authority will be restricted by Congress, modified by the courts, or usurped by state governments.

The point here is that someone must take action to provide services to the people. If the local forms of government - state, county, city and tribal - do not take action, the federal government will begin administering the programs for them. To avoid such a situation, the local forms of government must run effective programs. By exercising their sovereignty and running effective programs, Pueblos can maintain their independence from the federal government.

Besides this issue known as "Federal Pre-emption," there is another issue known as "Defacto Jurisdiction." Under this article of law, one governmental body assumes jurisdiction because another governmental body has not exercised its authority. A state government could take, and in some cases has taken, responsibility and thereby authority and jurisdiction for Indian program functions from tribal governments because tribes have failed to exercise their authority in these areas. Such actions could lead to states taking jurisdiction permanently and settling precedents for other situations. Few tribes are aware of their full potential for self-government. There are

areas in which the Pueblos have not exercised the powers they have. This is neither good nor bad because it takes a lot of money to provide some services and in many cases it is easier, cheaper or just better to allow someone else to provide the services for you. But with every right that you give up, with every power that you fail to exercise, you lose control over that issue. Only when the Pueblo complains that decisions made by outsiders are not in the best interests of the Pueblo do they start to realize the importance of their own Pueblo government.

But just exercising tribal power will not solve problems. Exercising your power efficiently, fairly and correctly will solve your problem. Your government must be able to meet the issues, make good decisions and handle the administrative responsibilities before exercising your full power as a tribal government means anything. Indian business is big business, and the main responsibilities for this business lie with tribal government. As leaders, the Pueblo Council and Governor must act when the situation requires action. The people as a mass of independents cannot accomplish much on a sustained basis, as any history book will show.

One word of caution: in exercising rights as a tribal government, a Pueblo must consider the responsibilities which go with every right and authority exercised by the Pueblo. For example, there is almost no doubt that the tribes have the right to issue license plates for automobiles, by-passing the state in this process. But is this a wise exercise of power? For example, will insurance companies insure cars licensed by a tribal govern-

ment? How will states react to the loss of revenue? Does the tribal government have the expertise and technical capability to administer a license program? Before tribal governments try to exercise all their power, they must be sure they know what their responsibilities are and they must have an effective governmental structure and process to handle the issue.

Former Commissioner of Indian Affairs Bob Bennett likes to use the example of a man crossing a street in downtown Albuquerque. As soon as the traffic light turns green, the pedestrian has the right to cross the street. But if a truck runs the red light and kills him, all the rights the man had would not alter the fact that he should not have stepped in front of the truck. Just because you have the right to do something does not mean it may be smart to exercise that right.

Cited above are some extremes in the use - or more appropriately, the non-use - of governmental powers. Between the extremes are oceans and islands of what Pueblo governments can do effectively, efficiently and wisely. Proceed with care and direction, but proceed.

PEOPLE IN TRIBAL GOVERNMENT

The term "businesslike" applies to many different instances and is used several times in this presentation. This term is seen as a desirable, positive trait when applied to manufacturing, business and the handling of personal affairs. The term "businesslike" is also used in the administration of governmental operations. Here, it includes such attributes as reliability, integrity, efficiency and a sense of values. Every operation has the choice to be routine or to be significant. The element that makes for excellence in your operation is derived from the judgment, experience and capability of your people and the form of day-to-day administrative process you employ. The increasing demands upon Pueblo governments are requiring that tribal officials in today's dynamic world exercise management skills in which they often have not had previous training or experience. To be an effective, businesslike force, tribal managment must have an active imagination that looks forward, that takes action, that originates and implements new ideas. Progress is only made by imagination, innovation, consideration of different possibilities and the incorporation of that little extra effort. Being businesslike means looking at what might happen, seeing what is needed, considering different methods and weighing the consequences of taking action or of not taking action. Just as a business must meet customers' needs in order to succeed, a government also is measured by the success it has in meeting people's needs.

To be involved in Pueblo government is to be a dynamic force, not a static

symbol. To be responsible for your Pueblo or your area of work requires you to be a man of action, a man whose slogan is "To Improve." It is your obligation as a Pueblo leader or a tribal employee to work to improve the conditions that exist within your community. You are responsible for the success of your program - work to improve things, to make things happen; don't be content to sit. There is very little coasting involved in successful management. Success never "just happens."

Because of the complexity of the issues which face Pueblo governments, the one-man decision making system of operation is now obsolete; the involvement of the collective minds in Pueblo communities is and will continue to be necessary for successful decision making. Many people working in groups will, however, have difficulty in making decisions. Some groups will argue over unimportant issues, some will vote on issues immediately and change their decision at the next meeting, some will be afraid to make a decision, or others will not follow through on their decision. But despite the problems of group decisions, the issues have become too complex and affect too many people to allow one man to make the decisions. It is easy to allow someone else to make the decisions for you and then to criticize what they have done. But the decisions of tribal governments increasingly affect day-to-day lives as more and more programs are directed to the Pueblos rather than operated by the BIA, State of New Mexico, or other governmental agency. Pueblo leaders must develop the expertise to meet this situation; they must use all the resources of their reservation in order to be able to handle the burden being placed on Pueblo governments.

No man, machine or program can make a leader's decisions for him. No formula has yet been invented which will tell him what course of action to take. To be a leader and decision maker is still the difficult process it has always been. But by involving the people, by communicating with others, by applying good management skills, by taking action, a leader's job in government will be easier and his results will be more complete. His decisions will be just as tough, but they will be better appreciated by the people and easier to implement.

"ADOPT A POLICY OF INVOLVEMENT"

A recent training session had just spent a great deal of time discussing ways to encourage active participation in tribal government by tribal members. The discussion opened with the statement that the only way to get tribal people interested in their government is to offer them free meals or to steal their money. But as the discussion continued, it became apparent that the Pueblos of New Mexico do not have problems trying to get people involved in their tribal government. Many people would be glad to donate their time to the efforts of their government. All they ask in return is that the Pueblo deal with them fairly, that the Pueblo make good, timely decisions and that the Pueblo be run efficiently so as not to waste their time, money and energy.

Many Pueblo people will involve themselves in their government, not for any self-interest but rather as a contribution to the good of the community. For Indian people, the community is the family and the community is the center of their lives. No other environment contributes so significantly to the life of the Indian people. Pueblo people work together as a community to contribute something to each other. They have similiar experiences, a common way of living, and a special way of looking at things. They have a system of values unique to the quality of being Pueblo. Involving the people in their government is an expression of the feelings you as Pueblo leaders have toward your community, toward the qualities the people appreciate in each other. Such involvement results in putting knowledge and

talents into a common pool for the benefit of everyone. Indian society consists of many interdependent relationships, a type of partnership with "you working for me and me for you." Pueblo government exists for the same reason the community exists - people of common interests working for the common good. When people are involved, they are taking actions to help their friends and neighbors. The fate of THEIR community and THEIR destiny is in THEIR hands. It is then that things will happen and problems will be solved.

DECISION MAKING

Do you know who, in some cases, is actually running the affairs of your tribal government? In some cases it is not a member of your government or even a member of your Pueblo. In many cases it is a federal agency like the Bureau of Indian Affairs, Public Health Service or Housing and Urban Development, or a state agency, or the All Indian Pueblo Council, or the representative of a foundation or other organization you are dealing with. This is not because of any plot to destroy the Pueblo government, but it is simply a fact that these agencies make decisions for your government when (1) your leaders are indecisive, or (2) your leadership is not in touch with your tribal representative (such as your housing commissioner), or (3) tribal leaders are divided on an issue, with one group advocating one course of action and the other group advocating another course of action. This internal fragmentation does not foster the growth of Pueblo government and community, but allows for self-interest groups and individuals to control government for their own benefit. And the people fostering this situation can be employees of outside agencies or people from within the Pueblo itself who could be manipulating the tribal government for themselves. Tribes will never achieve control of their own destinies if they continue to allow attorneys, bureaucrats, program directors, or unauthorized representatives to make decisions for them.

This inquiry can also be carried one step further - when there is a decision to be made by your Pueblo government, who makes the decision? To ask the

question again who, actually, makes the decision, not who is suppose to make the decision? For example:

(1) The Economic Development Administration has $50,000 to spend on recreation projects for the Pueblo.

(2) IBM wants to locate a factory on Pueblo land.

(3) The State Highway Department wants to buy 100 tons of gravel from the Pueblo.

(4) The Housing and Urban Development office wants to hold a meeting to talk about new housing.

Now ask yourself, who in your government has the authority to decide these issues and who actually makes the decision? Does the Governor alone act; are these matters referred to the Council; do the Cacique and other religious leaders decide; or is the decision maker a program director within the tribal governmental structure?

In most cases you will probably say it is the Council who is suppose to take action. But how many times has a Governor turned down a grant from EDA without going to the Council? Or how many times has a housing representative "forgotten" to tell the Governor that the housing office wants a meeting because the housing representative did not want a meeting? Or how many times has the Law Enforcement Assistance Administration office worked on an application for a Pueblo when the Council was against the grant? As you can see for yourself, what is suppose to be doesn't always work that way. And governments don't long endure with so much energy unfocused. This is where administrative control comes in - this is where

people who represent your government must be in touch with the authority in your government. This is where your Pueblo must decide what power your Governor has and what power your Council has.

The Pueblo should also control people who, because of their personalities, seem to take for granted that they have authority to speak for the tribe when in actuality they do not. Their personalities may be so strong as to actually dominate a discussion with their loud voice or authoritative manner. If these people are not the ones who are suppose to make the decisions, their opinions should only carry as much weight as any other individual's, and the decision should continue to be made by the group that is suppose to make that particular decision.

The decision to accept or reject an EDA grant or an LEAA grant or a State Highway Department offer lies with the Pueblo - it is up the Pueblo to respond, to take action. The spokesman's or the Pueblo's reply must come from the Pueblo leaders or else the result could be a $50,000 EDA swimming pool whether or not the Pueblo really wants it, or the loss of the swimming pool if they do want it. A Pueblo government cannot allow individuals in the Pueblo (or outside the Pueblo) to act without authority from the Pueblo, because regardless of how it is made or by whom, the decision is looked upon as a decision of the Pueblo government. Problems tend to snowball when you try to stop a project after funds are committed. The time to act is before someone says yes, not when the bulldozer shows up.

The most effective way to destroy Pueblo self-governing credibility and authority is to allow the Bureau and other agencies (state, federal and private) to deal with "puppet" leaders or representatives rather than the people's determined leadership.

One way, and probably the easiest way to solve the question of responsible decision making and still keep within Pueblo traditions is to establish the Governor as the administrative head of the Pueblo government and the Council as the policy making arm of the government. For example, the Council would pass a resolution (either in writing or in the traditional Pueblo way) authorizing the Pueblo to participate in the HUD housing program. It would then be up to the Governor to establish contact with the housing authority and to handle the day to day problems that come with the program. Of course the Governor would work with the housing representative, who would actually do the leg work for the Governor. The housing representative would report to the Governor and go to him for decisions that can be made, without going to the Council for every detail. The Governor then works with his Council on major decisons such as selecting participants and home-sites. (Following sections will elaborate on the Council-Governor-Tribal Representative relationship further.)

A second way to further insure responsible decision making is, simply, to make decisions. It is wiser to make decisions promptly than to linger over them waiting for a flash of inspiration. Of course, to put off a decision while gathering information is not indecision or vacillation among alter-

natives. But be sure that delays are pertinent and necessary, rather than a decision in themselves. By waiting for convenient excuses to justify procrastination, a tribal government will show itself as being timid and distrustful of its own judgements.

BASIC MANAGEMENT TECHNIQUES

Tribal leaders are concerned about and conscious of the need for a well developed and efficiently functioning governing system. It is also apparent that no one organizational structure or one canned approach can be used to meet the needs of all tribes. But the management techniques presented in this analysis can provide a basic step in the developmental process and can be modified to meet local situations.

ESTABLISH A PROFESSIONAL REPUTATION

The former acting head of the Bureau of Indian Affairs, Marvin Franklin, called upon the Indian people by saying, "Let us have professionalism." He also called for the development of tribal leadership and organizations who would work at the local level to meet everyday needs. But his main call was for professionalism and quality at the tribal government level. More so today than ever before, tribal government is big business. In dealing with their own tribal government, Indian people are demanding the same quality and professionalism as they demand from government agencies and businesses in Albuquerque, Santa Fe, or Washington D.C. Pueblo leaders need to earn the respect of the business and government people they deal with by having a smooth and effective Pueblo government, a smooth, business-like operation.

An example of how some businesses view Pueblo governments becomes apparent when a business demanded of one Pueblo on-the-spot cash payment for the repair of a machine rather than sending the Pueblo a bill as they do many

other people, including other Pueblos. Their reason: "We never receive payment, or when we do it takes about six months or longer." Want another example? A government Agency which makes loans to any eligible citizen of the United States has refused to make loans to one New Mexico Pueblo. In extracting from their letter, they stated in part that

> ". . .personnel are forbidden to enter range pasture to inspect livestock mortgaged to Pueblo residents. This is not to mention the repossession of any livestock (or equipment) which is completely out of the question. It has been made quite apparent by tribal officials that personnel are not welcome on the Pueblo to service loans, inspect crops and farm machinery. Considerable difficulty has been experienced in repossessing machinery when there is a default on payments . . . creditors, regardless of who they are, along with a lien or mortgage have a right to inspect security property. This is by law . . . All the above were pointed out to Pueblo officials and that without cooperation, the agency would have to curtail lending to the Pueblo."

The Pueblo officials chose not to cooperate. The result has been no new loans to this Pueblo which has resulted in an economic loss, not to the officials but to those individuals who would have lived up to their obligations to pay back loans had they received one, and to the community as a whole.

The reaction of people who find out they cannot receive a loan from this agency is anger. They know the fault is with their Pueblo government and most take one final action - give up. There are only a few sources of financing to Indians as it is. The only source now available to the above mentioned Pueblo is the BIA Indian Financing Act, and there are already too many requests for the amount of money the Bureau has available to lend through this program. The facts are there. Pueblo governments need to regain the confidence of the people they deal with, both their own people and others outside their Pueblo. They need to establish a good batting average, a good reputation as an effective organization.

"INSTITUTE A SPAN OF CONTROL"

A former chairman of the All Indian Pueblo Council told several Pueblo leaders during a BIA conference: "Now is the time for tribes to take steps and measures to organize themselves first and then to take actions they need to take." This organizing effort begins by instituting a span of control system in Pueblo government, that is a system of control for management to direct programs.

There are many kinds of governmental and corporate structures which tribal governments can use in the administration and management of their resources and in the delivery of services. Each tribal government should explore the range of these organizational structures and adopt those best suited to tribal goals and objectives.

The organization of your Pueblo government and the people in your Pueblo government determine whether or not the objectives and goals of the Pueblo will be met. Success is not determined only by the type of organization you have or only by the quality of people you have, but success is determined by a combination of both. Success will depend upon good organization and good execution. Disorder is the greatest hindrance to performance; an unworkable mechanism will not allow the knowledge gained through education and experience to grow as one expects it to. The Pueblos will not reap the benefits of education, training programs or technical assistance efforts as long as the mechanism of action is disorder. Disorder is also the greatest weapon used by those who are out to gain strength and power for themselves or their ideas. It is through the vacuum of chaos that the enemies rise to fill the

void. As time continues, your enemies will continue to use a disrupted mechanism to their advantage.

Two of the prime areas of importance in organizing and formalizing tribal government in order to establish the leadership's span of control are the chain of command and the lines of authority. In other words, a government's first need is to establish an organizational structure with an organization system showing who is responsible to whom for daily operations. This organizational system is nothing more than a means for achieving specific objectives. It has become a joke that every time the BIA gets a new Commissioner, he spends his entire term "reorganizing." The point is that he is reorganizing for a reason, that is to set up a system to achieve his objectives.

All of the Pueblos have delegated authority for years whether they realize it or not. Lieutenant Governors, sheriffs and church officials are examples of the Pueblos delegating authority. Similarly, because the Superintendent cannot do all the work at the BIA himself, he must hire assistants and specialists in certain areas to do the work for him. The Superintendent is still the man in charge of all programs, but he has given individuals the responsibility and authority to act for him in certain areas. These include the areas of housing, law and order, social workers, land operations, realty, secretaries, bookkeeping and many different functions. The Governor of a Pueblo, no matter how qualified he may be, cannot possibly have the time to work in every area. This is why tribes hire employees to do everything from answering the phone and typing letters, to working on LEAA and social programs, or handling education and housing problems.

Since the Governor cannot possibly do everything himself, he must work through and with other people. The people he selects must be good, capable people. And good, capable people will not work in an unstable, politically sensitive position.

The Governor needs qualified people to help him and qualified, hard working employees want a stable job and want a fair chance to succeed. If a Pueblo wants to employ good people, it must treat them fairly. All this is not new to tribal governments, but the full impact of this has also not been achieved by tribal governments. Internal problems have arisen when people are: (1) challenged as to their authority to function, (2) not aware of their specific responsibilities, (3) not aware of whom they report to or who their boss is, and/or (4) not aware of what they are to accomplish. These problems must be solved or else entire programs will be jeopardized.

One of the primary management techniques a Pueblo could use would be to identify everyone's duties and responsibilities, including what he does, to whom he reports and whom he supervises. This can be done through the use of two documents - an organizational chart and a position description. Each position in the tribal government should be shown on the organizational chart and each person should have a statement indicating his duties.

The first thing one sees as he enters the community center at San Felipe Pueblo is the Pueblo organizational chart. It is there in the open where everyone can see it. At Santa Clara Pueblo, the first thing a tribal employee referred to when he started talking about his Pueblo government was the organizational chart. When a person takes a job, he expects to have a

U.S. Postal Service photo

Zia: Museum of New Mexico

Pueblo Art USA 13c

San Ildefonso: Denver Art Museum

Pueblo Art USA 13c

Hopi: Heard Museum Phoenix

Pueblo Art USA 13c

Acoma: School of American Research

Pueblo Art USA 13c

Four new U.S. commemorative stamps feature Ford Ruthling's paintings of Pueblo pottery

boss and to take orders. An employee cannot function with three, four, five or more bosses. An organizational chart will give everyone - bosses, employees and outside people - a better understanding of who reports to whom The relationship between the supervisor and the subordinate is subject to changing conditions - an organizational chart can bring some stability to tribal government and will help meet the obligation of keeping tribal government functioning and providing services.

As is apparent from their already being in use, these management techniques are not new; they have already been incorporated by some Pueblo groups and other Indian tribes throughout the nation. And the tribes that have incorporated the basic principles of organization charts and position descriptions are also the more efficiently operating tribal governments.

In developing an organizational chart for a Pueblo, it is necessary to incorporate the following management steps: First, the Pueblo needs to assess its community and people to determine what the Pueblo wants to achieve and what the needs of the people and community are. What are the problems of the community and how can the tribal government function to meet those problems? As a second phase in this first step, the Pueblo should look at its present organization and divisions and ask itself "What is the unique contribution of this branch or division to the goals of the Pueblo government?" Why does the Pueblo need a housing program, for example, or why does the Pueblo need each particular service? In asking themselves these questions, the Pueblo leaders will establish functional work areas, such as housing, recreation, education, law and order, employment, land and water development, etc.

By failing to define each branch function, a program director could be neglecting to do things he is suppose to do, be doing things he is not supposed to do, or even be doing what someone else is supposed to be doing.

A second step would be to determine specifically within a time table what the Pueblo government wants to achieve within each function or branch; that is, to determine both short and long range objectives. An individual, and Pueblo, needs to determine what he is working toward and what he is going to be doing before he does it. In some instances it may even be necessary to identify the work steps that must be performed to reach the goal.

A third step is to determine what constitutes achievement or satisfactory performance; how do you know if your efforts have been successful? Government leaders must be able to appraise and evaluate the work being done by tribal employees on behalf of their Pueblo. This review must take place without the need for close, over-the-shoulder supervision. To do this, the Pueblo needs to specify what each employee or each division of tribal government is supposed to achieve (the objective) and the steps needed to reach this objective, such as attend meetings, bring information back to the people, Governor and Council, etc. By formalizing the organizational structure this way, leaders can bring a measure of stability and a foundation to their administrative functions.

Also by formalizing the structure in this way, tribal leaders set the footing for the development of individual duty assignments (position description) for employees. These basic work assignments would give form to the individual's work pattern and would avoid an individual's drifting and

becoming removed from the purpose of his position and the authority within the Pueblo government. In talking about performance and job assignments, a Navajo leader put it best when he said, "We never orient new tribal employees toward their duties and responsibilities. This does not mean they don't have the ability to perform; it means they do not know what is expected of them."

To take this discussion one step further, we should formalize duties whenever possible - that is to specify in written terms what duties a person has to perform on a daily basis. Problems arise when duties are not clarified and when assignments are not adequately performed. Tribal employees often find themselves at a loss to know what role was expected of them. By telling an employee what he is suppose to do and by providing him good supervision and technical assistance, you are creating a good employee who can be an asset to the Pueblo. Even a hard working, dedicated employee has been fired from his job for doing something "wrong" when someone forgot to tell him what the "right" things were that he was suppose to be doing. Misdirected effort even by dedicated employees is lost effort; tribal management must direct efforts toward established program objectives. Look at the people in your tribal government. Can you state: (1) what program area they work in? (2) what the objectives of their program are? (3) who their boss is? (4) what their function is? (5) whether they are meeting their objectives or not?

An employee needs to be told what he is expected to achieve. When possible an employee's objectives and other duties should be written to avoid misunderstandings on both the employee's side and the tribal government's side.

Management (the Governor and Council) must provide this leadership or the success of any program will be up to chance. Even dedicated, hardworking employees will be at a loss as to what to do or where to start unless management provides this leadership. You cannot lead individuals or groups toward goals you have not defined.

Such a statement of duties - a position description - is the only way to make sure that the jobs that need to be done are in fact being done. With a written list of duties, there will be no misunderstandings between the employee and his supervisor, between the employee and the members of the community, and among the employee, the Council and the Governor.

This statement of duties should be written in terms of the results to be achieved, and should be something that is understandable to both the individual and the tribe. Break down the job into workable functions and construct a path or action plan leading toward the accomplishment of specific goals. A position description is a much misunderstood and must abused tool, but if done right it can be a tremendous asset. There are often misunderstandings of roles and positions in the chain of command process. By breaking down work into functions, those misunderstandings can be minimized.

An example of how these basic management steps may be incorporated for the HUD housing representative would be something like this:

1. Functional Statement:

   Responsible for handling all administrative and day to day affairs relating to HUD housing programs. This includes coordinating HUD programs with tribal needs, bringing information to all relevant entities, and assuring follow up of program details.

11. Objectives:

1. Attend housing meetings for the purpose of bringing information back to the Pueblo Council, Pueblo Governor and people.

2. Coordinate and handle administrative affairs regarding the housing program for the Pueblo.

3. Serve as the communications link between the Council and Governor and the housing authority and between the people and the authority in such matters as repairs, monthly payments, new housing and other matters.

4. Assist the Governor and Council in the planning and building of additional HUD help houses.

Objectives could also be more specific by stating "who, what, where, when and how much," but should avoid detailing exact steps or getting into the "how" aspect. Good examples of specific objectives are:

1. Obtain applications from all persons interested in and qualified for mutual help housing by June 30.

2. Hold two information workshops for all housing participants by September 30.

3. Complete all necessary administrative details for the next group of housing participants by April 1.

111. Satisfactory Performance Standards:

1. Attend at least 10 of the 12 housing meetings every year.

2. Information on housing matters is presented to the Governor and to the Council and is presented in written form to all interested people (such as through the Pueblo newsletter or by mail or posted on bulletin boards).

3. All applications are completed, approved by the Council and presented to the housing authority by April 1.

The above example is only a partially completed breakdown for the housing division and HUD housing section of your government. These three steps will vary from one Pueblo to another because Pueblo governmental needs are different. If, for example, there is no longer a need for additional new houses, your objectives and performance standards will not talk about new housing, but rather about information on repairs and monthly payments and related issues.

Specifying these management steps sets the direction for each division in the tribal government as well as for individuals in each phase of tribal operations. Specifying functions, goals and duties enables a Pueblo to set a course of action, meet needs and anticipate any problems that may arise. The Pueblo can then specify whether or not employees are working to meet the needs of the people and can make employees and supervisors accountable in their positions. No one goes around telling tribal leaders all the bad news; tribal leaders have to look for variances in their programs and they need a system to point these out to them. If a leader identifies problems quickly, he can train the employee and get him working in the right direction before the entire project is lost. When the employee understands his role, he can correct his own mistakes and redirect his program in the proper direction. By having the mechanism to specify his activities and spot variances in his program, the employee will not have to bring every matter to the Governor or Council, which will leave them with more time for major problems.

Many managers feel these steps are not necessary, that these steps are common sense. However, how many times have you seen individuals or groups

of people start out with good ideas toward a good objective but end up short of their expectations? Once people start working on a project they can get so involved with daily activities that they forget where they were going in the first place. Soon they are spending their time in activities which do not lead toward their objectives. It is the Governor's and Council's prime responsibility to constantly keep the tribal government's operations in line with what they, as Pueblo leaders and heads of their government, want to achieve.

By incorporating the elements of good management specified in this section, it will be easy for everyone who must work with or who comes in contact with your government to see what each division is expected to achieve and what each individual employee is expected to achieve. Your employees will also know in specific terms what they are responsible for and generally how they should proceed. The results will be greater efficiency from your tribal government in delivering services to your people and greater morale and motivation in your employees. All things considered, by specifying in writing functions, goals and duties for each government branch and each employee, your government will have fewer administrative problems which take time away from program activities and your government will be able to achieve more with the same amount of time, money and people.

MULTIPLE JOB RESPONSIBILITIES

One situation which frequently exists in tribal government deserves mentioning at this point. Many members of the Governor's staff often serve in more

than one official capacity, or on a larger scale, many members of the Pueblo serve in more than one leadership capacity. For example:

1) An individual may be a Councilman, be on the Pueblo community assistance committee and serve on the Pueblo enterprise's board of directors, etc.

2) An individual may be a Councilman and a BIA employee as well as be on the Pueblo recreation committee.

3) An individual could be serving as treasurer, administrative assistant and Lieutenant Governor.

Situations like these are common at all the Pueblos. The reasons, usually, are that there is only so much money in Pueblo governments and it is cheaper to hire one person for several jobs, or that there is a highly qualified individual in the community who is available and capable of handling all these jobs.

Most tribes use this situation to their advantage and there is usually no conflict of interest. But, occasionally, there are individuals who abuse their power and begin to take the tribal government into their own hands and make Council decisions themselves. Soon they use their influence as treasurer to push their own interests in the recreation committee or housing committee, etc. By allowing individuals more and more power, by allowing them to make more and more decisions, the Pueblo government shifts from the Council and the results may soon be one-man Pueblo governments. A tribal government cannot function legitimately and for the benefit of the whole community, just as state and federal governments cannot function ethically, when individuals are concerned about their own status and power.

And who is responsible to correct such situations? The Pueblo, that is the

Governor and Council, must assure themselves that tribal members (themselves included) are not allowed to wear too many hats and become involved in situations which could lead to conflicts of interest. A Councilman at one of the Southern Pueblos recently removed himself from five of the eight committees and boards he was on in order to assure everyone that he was not involved in any conflict of interest. In this case 99% of the Pueblo knew that he was operating honestly, but he realized that problems could develop, and he made the move before conflicts, real or imagined, challenged the Pueblo government. Pueblos need more people like this in their tribal government, and it is the responsibility of the Pueblo government to see that individuals like this are made part of their government without, at the same time, allowing them to act in too many roles.

A second problem area along this line comes with the hiring of people for tribal positions. Organizations without an employment policy usually have problems getting and keeping good people. The Pueblos are no different in this regard; tribal politics, nepotism, and related problems cause considerable damage to the success of programs. An employee is hired by one Governor only to be replaced by the next Governor, who lasts until the next Governor is appointed. Programs suffer because there is little continuity from one administration to another. Just as one person learns his job, he is relieved and a new man must be trained. It is unrealistic to expect an effective tribal program as long as tribal employees are selected or terminated solely on the basis of their political or family relationship.

The loss of continuity in program personnel is probably the most serious

impediment to a tribal government's function generally and daily operations specifically. To achieve and insure personnel continuity, each Pueblo should have a strong and effective personnel program with established qualification standards for appointment of tribal personnel, a basic pay and incentive pay system with fringe benefits, the adoption of a merit system, provisions for training, assurance of continued tribal employment if performance meets the requirements of the position and a dismissal policy based only on cause, such as failure to perform at prescribed levels or poor conduct such as the misuse of tribal government equipment.

It is important that such employment policies be established for each Pueblo. Policies should be established and approved by tribal councils and should make clear how an applicant is to be hired, under what conditions he is to be terminated, etc. The Council could, upon the establishment of a personnel code, then allow the Governor to select tribal employees by following the rules set up by the Council. For example, the personnel code established by the Council could state that all jobs must be advertised for three weeks. The job must then be advertised for three weeks before someone is selected. If an individual is hired without advertising, the Governor or selecting official must then justify why the individual was hired without regard to tribal employment policies. Or if an individual is fired, he should be terminated in line with a written and fair policy rather than at someone's whim. What follows is a sample personnel ordinance:

PUEBLO PERSONNEL ORDINANCE

In order to establish fair and equitable employment oppor-

tunities for the people of the Pueblo and in order to provide the Pueblo with well qualified personnel to handle the various programs within the government, the Pueblo of _____ hereby establishes the following ordinance and procedures:

(1) All requests for positions to be established by the Pueblo must be presented to the Pueblo Council for approval.

(2) The Governor is ordered to advertise any new positions and vacated positions throughout the Pueblo for at least a two week period so that all interested people can apply. (The ordinance should also specify how it is to be advertised.)

(3) In advertising the position, the announcement will specify the duties of and qualifications for the position, and will inform prospects as to where an application form can be obtained.

(4) All applications are to be screened by the Governor and presented to the Pueblo Council, who will then select from the best qualified applicants.

(5) Upon selection, the employee will be notified as to his immediate supervisor and will receive instructions from that supervisor regarding his duties.

(6) The employee agrees to submit himself to a 90 day trial period and to an annual review of his position, to be scheduled at the discretion of the Governor or Council.

(7) To remove an employee the Governor must document specific charges against the employee and present them to the Pueblo Council, who has sole authority to remove the employee.

(8) An employee can be removed for failure to perform his duties, insubordination, continued abuse of tribal equipment and vehicles, repeated abuse of leave, repeated drunkenness and other instances enacted by the Pueblo Council.

These policies are only sample policies and can be modified to fit each particular Pueblo. The ordinance states the "Governor" and "Pueblo Council,"

but in actuality the Governor could delegate this authority to one of his staff and the Council could establish a committee to handle its personnel actions. Even though the day to day responsibility can be delegated, the ultimate responsibility must belong to top management, that is the Governor and Council. The Governor and Council must keep in touch with all groups and individuals to whom they delegate responsibility and authority because these groups act on behalf of the Governor and Council and therefore the ultimate responsibility lies with them.

Committees

In delegating responsibilities, tribes often establish committees to do the work for the Pueblo. This is an excellent way to involve members of the community and get work done in specific areas. But Pueblos have too often gotten into the situation of losing control of committees. Membership on tribal committees should be limited to specific terms and should be for specific objectives and purposes. Committees receive their authority from either the Governor or Council and the organization which gave them operating authority has the power to take their authority away. It is also important for committees to realize they must report to the Governor or Council. Committees often function independently, without regard to guidelines and with a sense of unlimited authority. Committees are an excellent way to achieve results and involve community members. But to be effective, committees need guidelines and directions just as an individual does.

By implementing techniques summarized in the last three sections, a Pueblo can assure itself that its government and its employees are performing their

purposes. Specifically, the Pueblo can retain control of what is going on and can devote adequate attention to the program; the Pueblo can assure itself that work is performed by adequate personnel; that adequate supervision is provided; that the Pueblo has the proper control of the staff's daily activities; that the program is specialized to meet the Pueblo's individual needs; and that it is flexible and decentralized as much as possible without a loss of control.

COORDINATION OF PUEBLO PROGRAMS FROM YEAR TO YEAR

Pueblo policies have often been individual policies (views of one person, usually the Governor) rather than a consensus of the Pueblo's feelings on an issue. If you don't like this year's Governor's decision, you wait until next year's Governor comes in and go to him. This generally has been the operation at many Pueblos, and people (Indian and non-Indian) involved in tribal governments readily admit this. This point has come up in other parts of this presentation but the point to be made here is that there is a need for coordination of activities from year to year. Such coordination will allow the Pueblo government to spend more time on current issues rather than spending time trying to find out what decisions were made last year and why. For example, the Southern Pueblo Governors worked almost a full year trying to get an exemption from the Internal Revenue Service for one of the many taxes collected by the agency. After endless meetings, the issue was finally resolved and a procedure established. This procedure was going smoothly with Internal Revenue until the installation of the following year's

Governors in the Pueblos. Three of the ten Pueblos made errors the first time their reports went to IRS. The errors were due to the fact that old employees were fired and others hired, or that the Governor went off on his own without relying on the previous administration and staff. In these cases, no provisions had been made for coordination of year to year activities. As a result, it took three months of valuable time to straighten out a procedure that had worked without flaws initially.

Two recent comments regarding coordinating activities from year to year were made by two leaders of the Southern Pueblos. A prominent Governor said, "It's unfortunate that we have only one year administrations, but we can at least get the ball rolling and hope they keep it going next year." And another tribal official commented, "We need to have more stability in our administrations. Our new Governors just clear out everyone and our programs must start over again every year with new people who need training."

There can be no substitute for a smooth transfer of power from one Governor to the next, and it takes a stable administration to do this. If a Governor assumes office and wants to fire everyone immediately, or if a Governor wants to make changes in government contracts after last year's officials have taken action, there cannot be stability in your operations.

A smooth transfer of power from one administration to another and a coordination of Pueblo activities from one year to the next requires a Pueblo government which is open in information, stable in personnel, and firm in formulating policies in regard to community needs. Firing everyone when the new Governor takes office, or the Governor holding all information to himself, or

Pueblo officials ignoring official Pueblo policy will result in an ineffective tribal government serving no one except those in power. Pueblo governments have suffered in the past because of the personalities and the desires of one or two men who, without an established policy for year to year continuity, were able to act without regard to the community as a whole.

ADMINISTRATIVE ASSISTANTS

The last several sections have already discussed several methods of stabilizing Pueblo governments so that there will be continuity and coordination from year to year. Another technique to provide this continuity is to use the services of a full time administrative assistant. This individual would function like a special assistant to the Governor and would act as his right hand man, handling day to day operations for the Pueblo. He would do much of the Governor's leg work, such as making sure that documents to be signed are signed, that notices of meetings get to the proper persons, and that administrative details are taken care of rather than leaving them to the Governor. This will, in addition to coordinating administrative matters, free the Governor to direct programs and attend meetings and perform tribal functions (religious, tribal judge, etc.) and still control his programs.

In fact, many Pueblos are able to continue activities fairly smoothly from one year to the next. But these Pueblos are also Pueblos who have incorporated many of the techniques mentioned in this presentation - tribal employees are not wholesaled at the end of the Governor's term, or an administrative assistant is used, whether that is his title or not. But even so

the situation too often remains where the policies of one administration are not the policies of the next. The Pueblo government must speak with one united voice - not the voice of whoever is Governor or whoever has taken power into his own hands. One Governor signs a contract with any agency (BIA, PHS, LEAA, etc.) and the next Governor wants to change the contract halfway through when he takes office in January. This lack of coordination does not allow your Pueblo to receive the full benefit of the program and causes disruptions in other programs.

On the whole, the tribes are doing an adequate job now. But adequate is not enough; there will continue to be more emphasis on contracting with tribal governments and such emphasis will require more administrative controls. The time to implement a sound system of administrative controls is now before you have too many programs demanding your tribal government's attention. And this means not only new programs, but also the paper work and coordination of existing basic programs like the Internal Revenue Service, Revenue Sharing, etc.

Accurate records are vital to the continuation of such programs and can provide a basic source of support to your actions. If your Council discussed an issue at a Council meeting and has set a policy, it would be to the advantage of your government and its day to day operations to put that policy into writing, either in a separate document or in the format of minutes of your meetings. This allows your government to function continuously with a sense of direction and also places the policy in writing to be referred to by future Governors for guidance in the direction of their own administration.

FINANCIAL CONSIDERATIONS

A former tribal leader who now works for the Bureau of Indian Affairs once stated that many tribes suffer from a severe "deterioration of integrity of funds. Tribes want integrity and quality and not the hell of a mess they have made of programs because of a lack of quality financial operations."

Tribes do want quality and no program will survive very long when funds are manipulated or not spent wisely in accordance with Pueblo decisions. It doesn't take a genius to handle tribal accounts; it also doesn't take a professional investigator to know if money has been misappropriated. A treasurer needs only to keep track of how much comes in and from where, who authorizes expenditures, and how much is spent. These are the basic functions for a treasurer or bookkeeper and it doesn't take a certified public accountant, a college degree or a computer to set up a good control system for financial records.

A financial system is not just accounting; it is a complete fiscal system of budgeting for programs, a reporting (accounting) of the flow of dollars, and an auditing or review system. Basic to these is some type of vouchering system, that is some documentation to certify the release of funds. For example, an employee is to be paid fifteen cents a mile for the use of his personal vehicle for tribal business as approved by the Council. He must first certify by some type of vouchering system the number of miles traveled and the purpose and authorization of those trips.

A financial system, supported by vouchers and other documentation, provides

answers to two areas of concern within tribal government: (1) an accurate and complete picture of the expenditure of funds, highlighting expenditures of administrative and program operations and (2) a report of managerial performance indicating managerial success or failure.

The key to the quality of any financial system is accurate records - every transaction should have a receipt or a written authorization. For example:

(1) Your Pueblo collects money for fishing permits. There should be a monthly report by everyone who sells permits, stating how many permits were sold that month. The money should then be turned over to the treasurer and a report made to the Council and eventually the people.

(2) The Council authorizes $1,000 for official travel done by the Governor's staff or program directors at the rate of 15 cents per mile. Before the treasurer releases money to anyone, he must receive assurances (by written and signed reports) that the travel was official and documentation of the exact number of miles traveled.

Taking the need for detailed and accurate records one step further, we need only look to Congress. During recent testimony before Congress by the Commissioner of Indian Affairs on the final regulations on PL 93-638 (Indian Self Determination and Education Assistance Act), the Commissioner was grilled about fiscal reports to be required by the Bureau in regard to both contracts and grants administered by the Bureau. The implications are clear: Good administration of federal funds will result in increased appropriations by Congress; abuse of funds (from careless control of expenditures, to use of funds in unauthorized programs, to embezzlement) will result in the loss of these funds.

A recent (August 12, 1975) report of findings by the Comptroller General

made the following general comments about programs on one Indian reservation:

> "We recommend that the Secretary of the Interior direct the BIA to accentuate its cooperative efforts with other Federal agencies and the Tribal Council in formulating and implementing an overall plan which recognizes the interrelationships among the various programs and factors involved. The plan should take into account the natural assets of the reservation and its people and should establish goals and priorities in accordance with (Indian) values and aspirations. . . ."

> "We recommend that the Secretary of the Interior also direct the BIA to work with other Federal agencies and with the Tribal Council to improve the economic self-sufficiency of the reservation so that increase in the (Indian) income is less dependent upon Federal expenditures for the reservation. . . We believe that the executive branch has a large responsibility for seeing that Federal funds are used effectively and efficiently to improve the standard of living of Indians on reservations. We believe that coordination of Federal efforts at the reservation level is needed for all Indian tribes and that evaluations of the type covered in this report should be made for all tribes."

". . .seeing that Federal funds are used effectively and effeciently. . ." These words probably hit administrators harder than any others. And they should. What benefits or improvements have taken place on this Indian Reservation? The report concluded that despite almost $16 million dollars in federal expenditures in one year on one reservation, "Neither the nation's nor the tribe's objectives of Indian self-determination and an improved standard of living have been achieved. . ."

Needless to say, the federal government is reviewing all its programs, not only those to tribal governments but those to state and local governments as well. Both political parties are talking about the lack of effectiveness in

federal programs in meeting the needs of U.S. citizens. Tribal governments are the responsible agency for pulling programs together for their people. The tribe is the organization responsible for the administration of local programs. The tribe is the official body which requests funds and which authorizes expenditure of funds. The tribe has the responsibility for seeing that a dollar spent contributes a dollar toward its objective.

The way to cut off the supply of funds from Washington, D.C. is to misuse funds. It will take only a couple of indiscriminate cases of misuse of funds for programs to be ended altogether or hamstrung with red tape.

The National Tribal Chairmen's Association, during their 1975 annual convention, adopted the following statement as an expression of their concern for the continued quality operation of tribal governments:

> With the range and variety of programs existing on many reservations, it is recommended that tribal governments take charge to see that acceptable goals are established and being met for all programs and that there is coordination through a well developed management system. At some time in the future, there will have to be an accounting made for all funds, property and services now provided for Indian programs on the reservations and that responsibility will fall eventually upon the tribal governments. If action has not been taken, tribes are well advised to initiate the development of a management system not only because it is good business but as a protection against any demands for accountability which tribes may be required to meet in the future.

The dollar pipeline from Washington is not automatic nor inexhaustible. Inefficiency of programs funded from federal sources (to Indians and non-Indians alike) will kill future programs. The only way tribes can continue to receive federal funds is to spend current funds wisely. Tribal leaders must prove program effectiveness - they must be able to say, "With X dollars last

year we did this, this and this. With 10% more, we will achieve these results: . . ."

There is a real need for planning programs at the reservation level and a need for businesslike administration of those programs. Only the tribe can pull these programs together. In the words of the representative of the Miccosukee tribe, Mr. Buffalo Tiger, "We only have so many bucks - we want to get all we can in the way of services to our people." Tribal officials must not waste money because of poor administration; every dollar lost through carelessness or inefficiency results in poorer quality or less quantity services to Indian people.

Concern about the use of money does not limit itself to Indian reservations. A May 27, 1975, article in the Wall Street Journal talked about the city of Buffalo, New York, and its use of federal grants. People were skeptical about how the city would use its funds and they made comments such as, "The city has done a good job so far, but there's still a lot of suspicion about whether money will end up being used for what city hall wants done. . . In the past, Buffalo held the absolute minimum number of hearings required (for a grant)." The city finally, after insistance from its citizens and at the direction of its mayor and council, opened the process to public hearings. As of the date of the article, the city had held forty-three public meetings, and their use of federal money strongly reflects the requests of Buffalo's citizens. A councilman stated: "Opening the process means that six department heads can't get together in a back room and divide the money up for their pet projects."

As you can see, Indian communities aren't the only people concerned about their governments. But who has more to lose than the Indian people? Which tribal government is willing to risk the abolishment of its authority to run its own affairs? Which Pueblo is willing to risk the termination of centuries or self government? As public officials, tribal leaders live open lives with their every decision subject to the review of the people they serve. Tribal leaders must have open records and open administrations and must be above reproach. Records must be complete, clear and accurate.

COMMUNICATIONS

One of the most important elements in the development of Pueblo governments is an effective system of communications between the people and their tribal government. Even as recent as ten years ago, the pace of Indian affairs was not as hectic as today. Today's tribal governments must deal with many different and complicated programs and local and national issues as well. Far-reaching court decisions (like Mancari vs. Morton - BIA Indian preference) and new legislation passed by Congress (like the Indian Civil Rights Act), are just two of the events which affect Indian people, Indian communities and Indian governments. It is not unusual to have misinformation disseminated as truth. Misinterpretation of events and issues are passed by word of mouth and in writing, and decisions are often based on this false information. It is because of this poor information that entire programs are sabotaged.

The need for unimpeded communications within the Pueblos is obviously widely recognized. Many different Indian newspapers, newsletters and other forms of

correspondence, from the Wassaja to the United Tribes News to the Navajo Times to the 19 Pueblo News are now being published. Many Pueblos are also considering establishing newsletters within their own Pueblo. This way news of the community, programs which affect the Pueblo and information which would otherwise never get beyond the Governor can be circulated to everyone. With information comes understanding, and with the people and the tribal employee understanding what is being done and why, the job of a Pueblo Governor and Councilman will be easier.

Too often information on programs, laws, regulations and court decisions is not reaching the people. The people don't know the reasons for policies nor the effects of regulations, laws and court decisions on their community. What is your Pueblo doing to fill this void? What action is your Pueblo government taking to get information to its people? The paper Wassaja made the following comments about how Indian governments handle their communications:

> "Wassaja made an informal investigation of how news is handled by the tribes and organized groups. We found, to our dismay, that there are only a handful of persons assigned to the dissemination of information in these entities. To all intents and purposes, there are no publicity directors, no public relations officers, and no source to whom one could go to check out information, to obtain a statement of official policy, or to find out "What's actually going on." Wherever there is such an individual, he/she usually remains on the job only a very short time and then someone else takes over thus having to start again to provide this service. . ."

Apparently (judging from the above article) very few tribal governments are successfully getting information to the people they serve. It is extremely important for Pueblos to get information to their people. Communication is the lifeline of any society: the communities are asking "why" and want to be

fully informed in all matters relative to them. This problem of communications is tied directly to the quality of your administration. Keep your people informed - let them see the good spirit behind every endeavor.

Keep your people informed on actions of your Governor and Council. The Congress of the United States holds hearings all across the nation to see how people feel about certain issues and to explain their programs to the people of the United States. Tribes should hold more public hearings or general meetings to supplement their newsletters. Many people involved in Indian affairs across the United States can give examples of how much smoother their tribal governments function when their communities are involved, when ordinary citizens have an opportunity to speak out on tribal issues. Compare this approach to the view of the Pueblo councilman quoted earlier in this presentation of saying: "We, the council will make the decisions. If we later feel it is necessary, we will tell the people what we have decided." Such an attitude will eventually destroy the very government the Pueblos want to preserve. Don't be mistaken - the people can make or break you. Community meetings and accurate information are therefore a must for your government. No one could say it better than a Santo Domingo Councilman who said, "Our people fight with us because they want more understanding."

Full, accurate and honest reports to your people of what is planned and of the action you are taking will reduce apprehension and answer criticism that is born from rumors. Unless objectives are made known, unless people know what and why, there will be a state of tension and uneasiness in any community. Every citizen has the right to know how his government's decision will affect him.

Again quoting from the Wassaja. "For more than a hundred years our people have been without information. Communication has been a dismal failure. Only gossip and the grapevine have served to 'let the people know. It is impossible for any people to make wise decisions unless they have all the facts at their disposal. This has led to distrust, disharmony, frustration, and inaction. Even today, when faced with facts, the people do not trust the facts. They have been so often fooled. . ."

People talking to people; people listening (and hearing) people; and people determined to get the news out to others - this is what is so necessary now, as never before.

WHAT THE INDIVIDUAL CAN DO

Agreeing that there must be a better way to do things, being concerned about the state of affairs, wanting to help as much as you can are good virtues, but they are not enough to get the results the Pueblos need. People working for and contributing to the quality of government is what is needed. The "machine" of government is only an organization of people. Without people the machine would come to a halt. To expand and adapt the thoughts of a British journalist, Henry Fairlie, every tribal member must regard himself as responsible for all that his community and society has done, does and will do. Its achievements and its failures reflect the people who allow it to function. You have ideas about your Pueblo government; put your knowledge to work and become the energy your Pueblo needs to operate efficiently. You have within you all it takes to make your tribal government work effectively. You have

the motivation, you have access to people who can offer technical support, and you have other members of your community who feel as you do and who will help you. Success in any endeavor depends upon the courage to try and the will to work hard.

The steps for productive involvement in your tribal government are very simple, yet effective: (1) Isolate a problem or examine an undesirable situation in your government. Research your findings until you are certain the problem is identified (not merely symptoms of the problem, but the problem itself). (2) Find out if the problem has been discussed before and, if so, what solutions have previously been considered and implemented. (3) Study the feasibility of your ideas and recommendations; examine their effects on other aspects of your tribal government. (4) Prepare a plan of action to implement your recommendations. (5) Ask others to listen to and react to your ideas and, if necessary, modify your plan. After developing your idea, attack it as it will be attacked by persons affected by it. Having looked at the idea from all sides, you will have tested its soundness and applicability. (6) By this time you are ready to present your plan to your Governor and Council or to whomever is in a key position in your government. Your presentation should (a) state the problem, (b) show the feasibility of your suggestions, and (c) include what the situation would be like if NO action is taken.

Examine, plan, discuss, take action--steps toward a new dawn in Pueblo government. Know what to do and do it, but never forget to work with our Pueblo leaders and for the benefit of the community. Follow through is needed;

persistence is necessary. No situation can meet your ultimate goal in an instant. Do not fade away when it becomes necessary to apply your creativity and take the necessary action. Show your people the success of your ideas by showing them how your ideas will make things better, not just make things different. Proceed not only with determination but also with caution, for there will be those who challenge any thing which changes the status quo. It is true that all change cannot be labeled "progress", but neither should all change be avoided as untraditional and therefore not for consideration by the Pueblo. One must discriminate and determine which changes are good for his tribe and which are not. Change is simply something different - progress is change to the better.

There are people who live in daydreams, drifting and content to allow things to promote themselves. They have a desire for situations to be better, but they are not willing to do the work or pay the price. Tribal leaders and people in government cannot keep tribal government alive this way - you cannot live this way. The energy to improve things must come from you; the hard work must come from you; the future must be shaped by you. To every person, each opportunity is worth exactly what he is prepared to make of it. Your government is no better than what you put into it.

The road toward success and achievement is traveled by those with vision, with a design of life, with a purpose and with the energy to achieve. Successful leaders must think in terms of "What is desirable, what is our sense of purpose, what are my plans to achieve my purpose, and am I willing to work to achieve what I want?" Now is the moment of choice, a time when

one must decide, "This is what I will do. The alternative of doing nothing will not solve my problem. Though the risks of action are great, the risks of inaction are greater." You must decide what you really want and work toward it. Show the people the success of your ideas. Show them that you have good ideas, not only big ideas. In your efforts you should expect to meet difficulty. The circumstances surrounding problems usually make it difficult to progress. It is easy to become frustrated; it is difficult to see progress. But don't allow this to excuse inaction.

An article on management recently stated: "Vision and ambition need to be backed up by will power and given form by energy. One cannot get much satisfaction out of endless dreaming. One must perform." The validity of the phrase "What was, was: what is, is: what is to be will be what we make it," becomes even more apparent when speaking about tribal governments and the Pueblo way of life. A nation's greatest assets are its people, men and women working for their communities and neighbors.

In a recent interview Bill Moyers, press secretary to President Lyndon Johnson, commented on the mood of the United States. His thoughts on the U.S. were similar to what many have felt in regards to tribal governments. Mr. Moyers stated:

> "I find a growing number of people who question whether anything matters, whether anyone listens, whether anyone cares. I vacillate, as I suspect you do, between the determination to change society and the desire to retreat into the smugeries of myself and my family. What America must be aware of is defeatism, the nothing-can-be-done disease. In that kind of environment it becomes every man for himself and catastrophe is inevitable."

Moyers, however, contends with vigor that with the nation's optimism, the nation will prevail. "I've seen too many Americans coping with the unexpected, coping with the tragic, coping with the extraordinary, coping with the evil. . .I've seen too many of them to believe that this is yet a lost race."

The battle for quality in tribal government is not "a lost race" as long as the Pueblo people and Pueblo leaders resist the tendency toward defeatism. Defeatism will result in the collapse of tribal governments and the traditional system. Don't retreat into the false security of your own world. An individual can make a difference - you can make a difference. An idea, deprived of the energy to implement it, is nothing more than an idle day dream. People are the energy source for ideas; you can convert ideas into improvements in your Pueblo government.

Conclusion

A non-Pueblo Indian leader recently belittled tribal members and other interested people involved with tribal government by asking, "What right does this group or any other group have to say Indian leadership is lousy?" This question can best be answered by asking another question: "What gives Indian governments the unique position of being above criticism?"

Surely criticism by people not familiar with or not involved with Indian government may be unjustified or off base. However, Indian people themselves have the right to evaluate how their own government is serving them.

After all, the purpose of a tribal government is to serve the needs of the people and of the community as a whole. Without people, there would be no need for tribal government.

There is room in tribal government for dissent and protest. It is through the desire for improvement and the willingness to work toward a better life that any society progresses. There can be no more certain death toll for the Pueblos than the reality of being too rigid to deal effectively with the demands of changing situations.

In the March 10, 1975, issue of U.S. News and World Report, Howard Fliger was commenting on the political situation in Washington D.C. when he asked the following question: "In times such as these can any of us afford the antic diversion of politics-as-usual?" Such a question can and must be asked of your Pueblo government. In times such as these can any Pueblo afford the diversion of tribal politics as usual? With the emphasis rapidly changing from paternalism by the federal government to self-determination, can you afford to have a Pueblo government that is unresponsive to the needs of its people? If your Pueblo government is to be a government of leaders and an administrator of state and federal programs, can you afford to have members of the Governor's staff pulling in different directions? Can you afford to have five spokesmen all saying different things as if on behalf of the Pueblo?

Some have commented that the workings of Pueblo government are too complex to try to change, that there is no support for constructive changes in government from those in power. This is not true; Pueblos have responded to many

progressive reforms within their governments. It is now time to set aside tribal politics and work toward the strengthening of Pueblo governments. Visible today is a new era of tribal government. Among the indicators of this new era are the shift to self-determination, the 1968 Indian Civil Rights Act, tribal re-structuring of Bureau programs, contracting, and many other changes in the way issues are handled in Indian country. In addition to these, Congress has created the American Indian Policy Review Commission to analyze and propose recommendations for improving the Bureau of Indian Affairs, to review problems and issues affecting Indian people, and to establish goals and policies for federal Indian administration. Together with the Indian Education and Self-determination Act, this commission could have the most effect on Indian programs since the Meriam Report in 1928 and the Indian Reorganization Act of the 1930's. As well as looking at federal policy, the Bureau of Indian Affairs and related areas, the commission will examine alternative methods to strengthen tribal governments, so that tribes can handle the dual role of representing their members as a community and at the same time guaranteeing to the members their basic rights as individuals. The task today is great, but the Pueblos do have the skills and the people to make good government work. Tribal leaders can establish a dynamic organization to meet the demands of a dynamic world without damaging a single tradition. But it will take work and insight and work and cooperation and work; do you have these qualities in you to make your system function properly? Just by taking the time to read and study this document you have shown you do have the desire to make your system work.

A prominent Indian leader recently made the statement, "We cannot linger in

the past. We must live in the present. Living in the present will help us mold the future for us, our people, our children, and our children's children." It is now time to face the future and tune up Pueblo governments for the test ahead.

Are we going to meet the issues head on or are we going to side step them; are we going to let the reality of the situation slide off our backs or are we going to realize the situation honestly and take the actions we need to? Just being aware of the problem is not enough - the way to improve tribal government is to properly evaluate the problems, select the best solutions and properly implement these decisions.

There will be many suggestions, many possible courses of action. Through all the noise, you must decide which voices are truly wise. But it is now that Indian leaders have the opportunity to construct a better society; it is now that each tribe must take what they have and make it into what they want.

To paraphrase the words of New Mexico's Governor Jerry Apodaca and apply them to the Pueblos of New Mexico, let the people of your Pueblo know that their government works and that it works for them. Let your people know that Pueblo government is a sensitive instrument dedicated to the highest goals of all Indian people. Let your people know that your government is vigorous and effective, yet tempered with wisdom and compassion.

The challenge to your government now is to do what must be done. The problems have been discussed and courses of action outlined. It will not be easy. But by taking the constructive actions you know you should take, your

government will not only survive but prosper. The challenge is great, but the alternative could be disaster. Now we must shape our own future; if we do not succeed, let us blame ourselves. Let us with renewed vigor, energy and determination confront the problems and program needs of our Pueblos.

Appendix

TRIBAL GOVERNMENT AND BUREAU OF INDIAN AFFAIRS RELATIONSHIP

The Bureau of Indian Affairs - that only arm of the Federal Government which provides services to an identified racial group - what is it doing to, for or with the Indian people? Where is it going and can the Pueblos relate to the operations of the Bureau? Is the Bureau an aid or a hinderence to tribal governments?

Quite naturally, the Bureau is at center stage whenever talks about tribal governments and services to Indian people begin to focus outside the internal tribal structure. The effect of the Bureau probably outweighs all other state and federal agencies combined when we talk about impact, influence and assistance to or on Indian tribes. What is the Tribal-BIA relationship? Where is the Bureau taking the Pueblos?

The analysis of Indian tribal governments prepared by the American Indian Lawyer Training Program states:

> ". . . historically tribes were generally under the full control of local BIA administrators and the local agent, in effect, ran the reservation. It now appears clear that on nearly every reservation, the BIA works with and for the tribe rather than pursuing its own ends and purposes without regard to tribal input. Certainly there are exceptions to this . . . but these instances are contrary to the general change in attitude on the part of both the tribe and the BIA and the manner in which they view their relationship at the local level."

A recent address by Kenneth Payton, Superintendent of Southern Pueblos Agency, accurately explains the current relationship between Southern Pueblos Agency and the Pueblos:

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When we speak of the present day relationship between the Bureau of Indian Affairs and tribal governments, we are talking about a partnership arrangement. This partnership has been changing rapidly during the past two decades, from a situation where the Agency Superintendent made the bulk of the important decisions pertaining to Indian reservations to the one nowadays in which he and his staff serve primarily as advisers, expediters and coordinators and the tribal governments handle the affairs of the reservation and their peoples.

The BIA is in business at the Indian reservation or community level for two primary reasons: [1] it is the arm of the U. S. government which is responsible by law as trustee for Indian lands and certain tribal income, and [2] it provides special services to Indian people because of the tax-free status of Indian lands and because of certain peculiar needs of the people. Since the tribal government is a party to all such arrangements, it should be obvious that the BIA does not take unilateral action as trustee with regard to these important matters. More and more tribal governments are becoming knowledgeable and sophisticated in such transactions and negotiations. In these situations the BIA acts as counselor and adviser during the formulative stages and can generally give its stamp of approval in a rather matter-of-fact manner.

By working closely with tribal governments we become familiar

with their needs and aspirations and we assist them in the preparation of annual budgets for operating their governments and tribal developmental programs. We operate as advisers and counselors in suggesting appropriate fees and rentals and encouraging the proper use of the funds.

Indian tribes have the right to govern themselves and manage their own affairs. The only limitations on this right are imposed by the Congress of the United States. So, we deal with tribal governments on the basis that they are sovereign entities, limited only by specific acts of Congress pertaining to them. This sovereignty relates to internal affairs pertaining to the form of government, membership in the tribe, descent of personal property, domestic relations, police, administration of justice, exclusion of non-members, entering into contracts, use of tribal funds, use of tribal land and other property, etc. We do not, nor could we legally, impose the will of the BIA on the tribal officials, in these matters. Our role is that of providing advice and assistance to them.

We assist tribal governments and individual Indians in obtaining the widest possible range of help from sources other than the BIA. Our role is that of liaison in bringing tribal officials in contact with local, state, federal and other organizations, and institutions that can provide assistance.

Once contact is established and effective help is forthcoming, our role diminishes to that of merely keeping informed.

In summary, our relationship with tribal governments has developed to the point that the Superintendent is no longer the paternalistic trustee calling all of the shots for the Indian people. We stress development of people and the resources rather than our trust responsibility. We are in partnership with tribal governments. The tribal governmental process identifies their own needs, some work to involve their own people in meeting these needs; we try to maximize the opportunities for choices available, but they make their own decisions. We work to help this process take place.

We can therefore conclude that the Bureau of Indian Affairs is not so much a leader of tribal officials - not pushing or dragging the tribes - but a source of assistance for tribes. The tribal government plans their own objectives and action plan and the Bureau will assist as directed by the tribe. (This will be expanded further in the next section on Public Law 93-638.)

The Bureau's primary responsibility is that of trustee and this duty is chiefly concerned with land. The Bureau is charged with conserving the soil, water, trees, grass, minerals, etc. The Bureau must also insure that these reservation resources are developed in such a way that they are not damaged or depleted. At the same time, this development is to result in maximum income and jobs for the people. These developments, such as for timber harvesting,

oil and gas exploration and production, mining, etc., are generally handled through the use of leases, permits, or contracts. These are between the development firm and the tribal government, or individual Indian (if he is an allotment owner), then subject to the approval of the appropriate BIA official, usually the Superintendent. Tribes that are involved in such developmental progress usually have their own legal counsel and many have staff such as business managers, accounts, etc.

The other primary trust responsibility of the BIA pertains to the tribe's funds on deposit in the U.S. Treasury rather than directly to the tribal governments. The withdrawal of these funds for use by tribes is subject to the approval of the BIA. Funds may be withdrawn from the U.S. Treasury to augment local income of tribes in the annual budget. Generally, these Treasury funds are earmarked for investments or capital improvements that will result in the production of additional income or jobs for tribal members.

Local income accrues to tribal governments from many sources. Certain types of leases, permits, contracts, etc., are entered into by tribes whose fees may go directly to them without flowing through the BIA or the U.S. Treasury. Tribal governments are encouraged to handle their business in this manner whenever it is legally possible.

The greatest role the BIA presently plays, at least budget and personnel wise, is that of providing services to tribal governments and individual Indian people. Most of these services are provided because of the tax-free status of Indian lands, or because of certain needs of Indian people due to their special

relationship to the Federal government. Indians generally pay all of the same taxes other U.S. citizens do, with the exception of the ad valorem (property) tax. Certain services normally provided the general public from property tax funds are sometimes not available to Indian people, so the BIA provides these essential services. Certain other services provided by BIA are for meeting special needs of Indian people such as education in localities where public schools are not available, on-the-job training, adult vocational training, advice and assistance to tribal governments and tribal courts, housing improvement, etc.

PUBLIC LAW 93-638

In early 1975, PL 93-638, the Indian Self-Determination and Education Assistance Act, became law. What is this law - what does it do for or to the Indian people? Is it good or bad? What if we don't like the law - do we have to use its provisions? Why has this law been described as a "milestone for Indian people" or "the most important legislation affecting both the Federal - Indian relationship and the development of tribal government since the passage of the Indian Reorganization Act of 1934"?

Like anything new, the reception to this law in Indian country has been cautious. Tribes have been content to take a "wait-and-see" position. As the Act does not force tribes to take any action by an particular date, this position in no way penalizes tribes. And when we look at previous federal policies of colonialism, paternalism, termination, etc., it is understandable that caution and skepticism is the mood around Indian country. With the historic presidence of non-delivery and attempts by misguided though well-intentioned legislation, Indian people are content to let the pieces fall into place before deciding to play the game. As expressed by the newspaper Wassaja, "Even today when faced with the facts, the people do not trust the facts. They have been so often fooled."

But let's take a look at what the Act does. What PL 93-638 is talking about is services; services to people and the process to deliver those services. The Act is designed to give Indian tribes the opportunity to plan, direct and administer federal programs on reservations. It gives tribes the legal right

to contract with the federal government for the operation of any of those programs which they choose. It reduces the complications and difficulties of federal contracting procedures. It authorizes grants to Indian tribes to develop and improve tribal governmental capabilities. It also provides for the use of federal personnel for tribal governmental functions. But most importantly, the Act, as described by Commissioner Morris Thompson, "recognizes and respects the right of Indian tribes to direct their own destinies, while at the same time preserving their special rights and trust relationships with the United States Government."

This most important feature of the Act is exemplified in that it compels the Bureau of Indian Affairs to deal with the tribal governing body rather than an organization (Indian or non-Indian) that may or may not represent the goals of the tribe. The intent is to strengthen the local community organization (tribal government) which makes decisions for local people. The federal government has a relationship with the tribal government, not individual Indians. It is a government to government relationship and the obligations are between sovereign governments. The law and regulations are designed to maximize the applicability of existing tribal processes to the self-determination effort rather than prescribing new processes that might be in conflict with tribal practices.

With PL 93-638 every obstacle has been considered to remove constraints from tribal governments and still provide Bureau assistance and Bureau services. Tribes develope their own priorities and can exercise day-to-day administrative control of programs, including doing the actual hiring and firing of personnel. The Self-Determination Act authorizes federal agencies to turn over management of

specific programs to tribal governments. There is no policy which requires any tribal government to take over the administration of any federal program by a certain date. The policy is that tribal governments have the choice of taking over the administration of programs or not taking them over. The determination rests with the tribe itself.

Indian Self-Determination has been a long sought after goal of all tribal groups. Indian Self-Determination means simply that the Indian people through their tribal government have the opportunity and responsibility of managing their own affairs and for the delivering of services to their people. Self-determination means the Indian people develop their own objectives and goals and plans and decide for themselves how federal programs will best meet their needs. The Act provides for a tribe to develop its own administration and governmental process rather than looking to outside organizations to provide these services.

Though 638 is not a cure-all or the answer to everything tribes want to do, it does give the tribe several tools to use in achieving its objectives. As expressed by the Commissioner of Indian Affairs, Morris Thompson:

> Individuals, tribal delegations and Bureau employees have asked me, "What does Indian Self-Determination really mean?" Many of our tribal people are contemplating the long range implications of the Act. They have asked me, "Is it truly in the best interest of Indians?" These are good because it means all of us are really studying and thinking about the Self-Determination Act.

It is a complex legislation: All of us are aware of that. But if I had to explain it in one sentence, I would say the legislation opens the door for Indian communities to play a maximum role in the direction of their own affairs if they choose to do so, and I think that is good. Today is a time for thinking, learning and decision making. Tomorrow can be whatever future a tribe wants it to be.

Due to the importance of PL 93-638, included are excerpts from the statement by Commissioner Thompson before the United States Senate Subcommittee on Indian Affairs which will expand upon specific provisions and tools of the regulations. In addition, four documents on this legislation may be obtained from the Bureau of Indian Affairs. These include the Act itself, the regulations, a decision makers handbook, and the highlights of the regulations. And in order to assure as many people as possible understand this historic piece of legislation, the Bureau has developed an orientation workshop on PL 93-638 and this presentation is available to any organization which wants more information on the Act and regulations.

As stated by the Commissioner before the subcommittee:

With regard to the contract provisions, we focused on five issues: First, since the legislation directs the Secretary to contract, it has created, in effect, a presumption of tribal entitlement to contract. Thus, the burden of proof in declining to contract is on the Department and only certain limited grounds for declining

are authorized by the Act.

The regulations explicitly recognize the burden-of-proof principle, and further require that substantial evidence is required if the Department is to meet that burden.

Secondly, we have gone beyond the specific requirements of the legislation that technical assistance be provided or made available when declination occurs. It is our belief that, to the extent possible, declination should be avoided since it is inconsistent with the intent and spirit of the Act. Therefore, the regulations require the Bureau to provide technical assistance to tribal organizations seeking to contract throughout the preapplication and application process.

Thirdly, recognizing tribal concerns, and in line with specific provisions of the Act recognizing the Secretary's continuing special responsibility to the Indian people in the area of trust resources, the regulations specifically prohibit contracting where the delegation to a tribe or termination of a trust responsibility would be involved.

Fourthly, specific parts of the Federal Procurement Regulations that are not consistent with the purposes of the legislation have been pre-waived in the regulations. Thus, many burdensome requirements will not fall on the tribal organizations

designated by tribes to take over programs or services under contracts with the BIA.

Finally, in developing the regulations, we have taken special cognizance of the fact that the Act changes some of the most fundamental non-trust relationships between Indian tribes and the BIA. The regulations give each tribe the right to plan, redesign and operate BIA programs and services which affect the lives of its people to assure that the programs and services reflect tribal needs, goals, and cultural values. Tribes will also be able to plan programs which the Bureau will operate in the manner which the tribe desires.

Even in a situation where a tribe determines that its best course of action is to retain the BIA as program administrator without changing that program, the tribe will have exercised its self-determination options under the Act. The regulations recognize a tribal decision not to contract a program to be as much an exercise of a tribe's self-determination as a decision to contract. The important thing is that the BIA is not the sole determinant of programs and services provided to Indian tribes.

We have also endeavored to deal in the regulations with one of the most repeated concerns raised by a number of Indian tribes and organizations which grows from their prior experience in dealing with the United States Government; that is, the fear

that the Self-Determination Act could some day lead to termiration of their special rights and trust relationships with the federal government. Accordingly, based on the declarations in sections 3 (b) and 110 of the Act, we have built a number of safeguards into the regulations.

First, in line with section 106 (d) of the Act, the regulations contain a definitive procedure for retroceding a contracted program or service should a tribe wish to do so for any reason. The prodedures for BIA reassumption of retroceded programs are spelled out. It should also be noted that tribes are given a full participatory role in determining how the Bureau will operate the retroceded program or service.

In addition, we have made provisions for a "position ceiling bank" for use in conjunction with retroceded programs. Should any contracted programs or services be retroceded by tribes, this position ceiling bank will assure that BIA personnel slots will be available from which the Bureau can immediately draw to provide for the personnel required to operate the retroceded programs or services. The ceiling bank concept provides reassurance to tribes that the Bureau can move swiftly in reassuming program administration without the delays involved in having to go to the Secretary, the Office of Management and Budget, or the Congress for position approvals.

It is not that we anticipate many retroceded programs-we do not. In fact, it is our desire, as well as that of Indian leadership, that we work to avoid retrocession whenever possible. However, it is equally essential to achieving the spirit of self-determination that we demonstrate the good faith of the Department by giving every assurance to tribes that retroceded programs or services can and will be swiftly reassumed by the Bureau.

Secondly, we have distinguished in the regulations between the essential trust responsibilities which should remain solely under the Bureau's control, and trust-related activities. While sections 106 (f) and 110 of the Act clearly provide that the Secretary of Interior retains all his trust responsibilities, the regulations do provide for the contracting of certain functions related to the trust responsibilities in the area of natural resources. For contracts involving such trust-related activities, the regulations contain more stringent criteria under which we may decline to enter into a contract. In such cases, tribes would have to demonstrate that the proposed contract would not weaken the Bureau's trust responsibility. Where a proposed contract would vitiate the Secretary's role as trustee, we will decline to enter into the contract.

Thirdly, the regulations contain stipulations which prohibit us from reducing services to tribes as a result of increased contracting with other tribes. No tribe shall be penalized if it chooses not to contract for the operation of any program or service.

We are mindful of the fact that completion of the regulations mark a tentative beginning rather than an auspicious end to the process of implementing this legislation. We realize that effective implementation of the goals of the Self-Determination Act will take many years and will require great sensitivity on our part. We anticipate a slow and somewhat cautious approach by many tribes to actually using the alternatives provided by the Self-Determination Act to pursue their own goals and priorities. We realize that the tribal attitudes toward the legislation, and thus its ultimate success, will hinge in large measure upon the Bureau's ability to develop a new self-concept as an advocate for tribal self-determination, and our ability to provide for technical assistance requested by the tribes.

Our view of the advocacy function is a broad one. It encompasses not only assisting tribes in their relations with other Federal agencies, but also helping them to work with and protect their rights vis-a-vis state and local governments. Our technical assistance effort is especially critical if tribes are to avail themselves of the opportunities afforded them under the legislation. The Bureau must not only deliver in an effective way the technical assistance which is mandated by the legislation. We must also broaden our ability to work closely with tribal governments in all aspects of their development and operations.

These new roles will require substantial retraining and reorientation

of Bureau personnel as well as revised budget and planning processes. It demands a readiness on the part of the Bureau to accept advice and guidance from Indian tribes to determine for themselves the manner in which they choose to pursue their self-determination. We are initiating our efforts to work with Bureau staff, as well as tribes, on a major orientation program which will consider the options and opportunities available to tribes in the legislation, and the manner in which the Bureau must respond.

To oversee these developments as well as the overall implementation of the legislation, we plan to establish an Office of Indian Self-Determination directly under the Office of the Commissioner. That office will help assure consistency and sensitivity on the part of all Bureau staff in carrying out of this new legislation. In addition, we are planning to create Offices of Self-Determination in each of the Area Offices which will coordinate the grant program and the delivery of technical assistance to tribal organizations.

Title II of the Act, which is entitled the Indian Education Assistance Act, provides the Bureau and tribal governments with significant opportunities for improvements in the field of Indian education. The touchstone for the Title is clearly set out in Section 3 (c) of the Act: "The Congress declares that a major national goal of the United States is to provide the quantity and quality of educational services and opportunities which will permit Indian children to compete and excel in the life areas of their choice, and to achieve

the measure of self-determination essential to their social and economic well-being."

Title II amended the Johnson-O'Malley Act as it relates to contracting for Indian education activities. The major amendment legislatively mandates the important - and expanded - relationships, roles, rights, and responsibilities of Indian Education Committees. These committees of Indian parents have performed admirably. This Act and its regulations support and strengthen their collective efforts for the future.

The Congress and the Bureau have been sensitive to the desires of tribal organizations in providing educational alternatives to Indian children apart from federal, public and mission schools. We recognize the desirability of tribally-controlled and operated schools as a viable learning system in meeting the diverse needs of students. Diversity is the key to excellence in learning and Indian people have a long and commendable history in teaching their children. Under Title II and the regulations the Bureau is authorized to support their efforts, both in terms of operational support and in the construction of sorely needed school facilities.

Title II also provides the Bureau of Indian Affairs with a mandate from the Congress to support Indian-related public school construction needs as an adjunct to the HEW Program of P.L. 81-815. In line with the Act, the regulations provide that this new program

will be carried out in cooperation with the Secretary of Health, Education, and Welfare and the tribal bodies affected.

We have submitted to the Congress two research studies which were required under section 203 of the Act. Funded by the Bureau, these studies were conducted by Indian professional groups. Let me touch briefly on their findings as they have bearing on the directions that the Bureau and the Congress need to consider for the future.

The National Indian Education Association conducted an in-depth analysis of the Johnson-O'Malley Act and the relationships between it and other Federal education assistance programs serving Indian elementary and secondary students. The Johnson-O'Malley program in 24 states was carefully looked at and a financial analysis was made of 7 state education agencies regarding school and pupil funding practices. The Association's recommendations call for a fresh start by the Bureau in providing better management and administration of the JOM Program as well as calling for the Congress to consider possible legislative changes in the use of other Federal funds in providing operational support for reservation public schools educating Indians.

The second required study focused on the status and developmental needs of Indian-controlled community colleges. The American Indian Higher Education Consortium, under Bureau contract, prepared a 5 volume catalogue of the hopes, needs, accomplishments and guidelines

for the future of the 12 institutions serving some 2600 full-time equivalent Indian and Alaska Native students, as well as the plans for 12 additional new colleges. Without exception, this study demonstrated the lack of stable and predictive funding was the major problem of the colleges. We are considering what recommendations the Administration should make with regard to the needs of these colleges.

In summary, Mr. Chairman, the Bureau of Indian Affairs has attempted to delineate clearly the regulatory requirements necessary to implement P.L. 93-638. In so doing, we have made a concerted effort to incorporate into these regulations a reasonable balance between three principal perspectives: The intent of Congress as reflected in the legislation; the continuing Federal-Tribal trust relationship; and, the expressed wishes and desires of tribal and Alaska Native leaders and members. What has emerged is a reaffirmation of the preeminence of tribal governments as the principal decision-makers in the self-determination process.

We are pleased that the testimony on behalf of the NCAI at your October 20 hearing indicated their view that the Bureau of Indian Affairs has made "a sincere and commendable effort" to secure the input of Indian Tribes and organizations in the drafting of regulations and that they find the regulations to be basically acceptable.

PL 93-638 GRANT EVALUATION SYSTEM

The evaluation process that will become an intrical part of PL 93-638 is now being developed by Bureau personnel and tribal officials. The process will be important to all tribal programs because inefficiency or mismanagement will be required to be corrected before the Federal government directs more money to your Pueblo. The Federal government, lead by the Office of Management and Budget and by various Congressional committees, is looking at all grants to all governmental entities (including state, county, city and other units of local government) to evaluate the effective use of federal dollars and it has become apparent that tribal governments will be included in this analysis and evaluation. The following narrative was drafted by this author for the development of the Bureau - Tribe PL 93-638 Grant Evaluation System and offers the basic thinking of Bureau and Tribal personnel and role of the evaluation and monitoring system and the roles of respective parties within that system.

GRANT EVALUATION SYSTEM - DRAFT

Evaluating the use of funds in the P. L. 93-638 grant program incorporates the functions and responsibilities of both the Bureau and the tribal governments.

One of the basic assumptions of P.L. 93-638 and within the spirit of the Act, is that the tribes have the inherent knowledge of what their tribal governments need and that their

proposals reflect the needs of the tribe. The Bureau's role in this stage is advisory and informational only and as long as the proposals are within the scope of the Act, do not duplicate (as opposed to supplement) other funding and meet other general provisions of the Act and regulations, the Bureau will approve the application.

The Bureau, however, has a very definite and distinct role to play in the grants evaluation and monitoring system. We may have, with not only the grants program but with the entire range of programs operated by tribal governments, instances where tribal leaders (individuals) will be required to handle large sums of money and to perform functions for which they have had little training or experience. We may have instances where tribal leaders will be running programs and providing services to their people (which will require delivery of that service) - social services, law and order, a constitution and by laws, housing assistance, and a long list of operations including general administration of their tribal government. The Bureau's technical assistance role, which is evident here, can only be met by adequate monitoring first and technical assistance second.

In a program that is new and under a law that is new, the Bureau and the tribe are going to make mistakes. New functions cannot always be implemented without mistakes. But for their own interests,

tribal groups should be desirable of an internal or external auditing system, evaluating system and monitoring system. For the purpose of measuring progress toward program objectives, measuring cost vs deliverable, meeting comptroller record requirements, providing proof of an individual's honesty, and other administrative requirements, tribes are themselves in need of objective evaluation systems. As future grants will be based on the use of current funds, tribes will become more interested in the evaluation process as a base to justify an increase in funds.

It is unfair for tribes to embrace new programs and systems for which they have no or only little experience or training without a chance to evaluate how they are doing or where they are going. It is also unfair to expect the Bureau to be completely void of a situation and then be required to come in and provide the proper training and technical expertise to assist a tribe or correct a problem. Areas of misunderstanding and not knowing what records to keep and how problems can be corrected must be resolved before programs are damaged, or services withdrawn, funds lost, before accusations of dishonesty evolve or incorrect actions taken.

The Bureau's role, then, becomes two sided and many faceted: first, as an advocate for tribal governments the Bureau must assist tribal governments in the development and operation of programs as needed and, second, the Bureau must work to assure all citizens that federal dollars are used for worthwhile, beneficial programs and justify

continuation and expansion of such programs.

Evaluations are used more for the benefit of management than for the detriment of management. Evaluation systems do not have to be restrictive or in any way punitive, but rather be able to provide adequate feedback of information.

Evaluation should be a mirror of the work performed and therefore good work will result in a good evaluation. Poor execution will result in a poorer evaluation, but for the purpose of correction and repair, not for punitive or regressive reasons. By constant monitoring of planned objectives vs performance, we can measure performance against established milestones and avoid loss of a complete program.

The evaluation process must be focused on the objectives of the program and its effect on the Indian people, the real recipients of P.L. 93-638; that is the benefits (results) that the Indian people themselves received from the project in terms of the Bureau helping tribes help their own people. The focus must remain at this level. The evaluation effort must also take a practical and useable form - be program results oriented and not clouded in theory.

Feedback System for Evaluation Process:

I. Planning

I. Determination of what needs to be evaluated

II. Program milestones

III. Set evaluation criteria - quality, quantity, etc.

II. Monitoring

A. The activities performed match the application - monitoring begins with a well written application

B. Cost analysis of deliverables

C. Availability of other sources of funding

D. Provide appropriate T/TA within a system that has the capability to meet local situations and to adjust as situations change

E. Contracting Officer's representative functions

III. Annual Program Review

A. Project accomplishments meet planned objectives

B. Needs assessment to determine future projects

C. Development of future program needs

D. Formulization of T/TA plans

Sample Forms

Several Pueblos have already adopted both a vouchering system for the release of tribal funds and an employee performance evaluation system. The following "Expense Report" form was developed by incorporating vouchers used by two of the Southern Pueblos. This is the type of formalized reporting system a tribe could use to document the expenditure of tribal funds or contract and grant funds. This process does no more than record on paper what is already taking place.

No one system of performance evaluation can be used by every tribe, or even every program within a tribe. One of the Southern Pueblos, however, has developed a basic employee performance evaluation system and three of the forms and instructions used in that system are enclosed. These basic ideas can be used in the development of your Pueblo's performance evaluation system, though the Bureau of Indian Affairs, Civil Service Commission, Office of Native American Programs and other federal agencies and private consultants may be helpful in the development of a comprehensive evaluation system.

EXPENSES REPORT REPORTING PERIOD _____ THROUGH _____ NAME _____

DATE	DESTINATION AND PURPOSE	SPEEDOMETER READING	TOTAL MILES	AUTHORIZED MEALS	AUTHORIZED PER DIEM	AUTHORIZED BY AND DATE

Total Miles _____ X 12¢ per mile _____. Total Meals _____. Total Per Diem _____. Total Costs____.

Less Travel advance _____ = _____ Total to Traveler.

Approved for Payment _____ _____
GOVERNOR DATE

CERTIFICATION: Travel expense claimed are true and correct. _____ _____
Traveler Date

INSTRUCTIONS FOR COMPLETING THE
EMPLOYEE PERFORMANCE EVALUATION

This form is to be used for evaluating employee performance on his job. Care and good judgment must be exercised by each supervisor when completing a form. Supervisors are reminded to rate employees in relationship to their specific jobs and to the overall work of the department or program. Complete every item on the form; if you wish to add any item, please do so in the blank spaces. Parts I and II will be completed for non-supervisory employees. Complete parts I, II and III for supervisory employees. If there are any questions concerning any of the items, please call the Personnel Office.

After completion of the form, discuss the ratings with the employee. Allow each employee time to review the form and to ask questions or make statements about why he or she believes a rating should be changed. Advise the employee of your basis for rating an item in such a manner. At the end of your discussion, make sure that both you and the employee have the same understanding of those ratings he questioned during your discussion. Give a copy of the completed form to the employee.

Forward all completed performance evaluations to the Personnel Office within 30 days from _____.

EMPLOYEE PERFORMANCE EVALUATION

Employee's Name	Job Title	Department

RATING PERIOD
FROM:
TO:

1. Unsatisfactory, needs improvement
2. Satisfactory
3. Very Good
4. Outstanding, Consistently Exceptional

INSTRUCTIONS: Place an "X" in the appropriate box to indicate your rating of the employee in respect to each item. Complete Parts I & II for Non-supervisory and all Parts for Supervisors.

WORK HABITS	1	2	3	4
A. Accuracy				
1. Follows instructions				
2. Checks finished work				
3. Submits finished work				
B. Dependability				
1. Plans work				
2. Meets Deadlines				
3. Accepts responsibility				
C. Knowledge of Job				
1. Understands policies and procedures				
2. Understands use and care of equipment				
3. Works without constant supervision				
4. Creates and presents new ideas				
D. Organizational Responsibilities				
1. Avoids unnecessary waste in use of supplies				
2. Practices safety habits				
3. Properly operates equipment and machinery				
4. Reports defective or broken machinery immediately				
OTHER ITEMS (add as you wish)				
1.				
2.				
3.				
4.				

II. PERSONAL TRAITS	1	2	3
1. Is courteous			
2. Accepts suggestions to improve work			
3. Is neat in appearance			
4. Works well with supervisor			
5. Works well with co-workers			
6. Is able to make decisions			
7. Is willing to learn			
8. Reports to work on time			
III. SUPERVISORY TRAITS			
1. Works well with employees			
2. Plans work			
3. Provides leadership			
4. Treats workers in a fair manner			
5. Gives clear and understandable instructions			
6. Has respect and trust			
7. Encourages good work			
8. Accepts new ideas			
9. Submits timely and Accurate required reports			
10. Delegates authority			
11. Encourages teamwork			
12. Accepts & implements			
13. Cooperates with other supervisors			

COMMENTS:

EMPLOYEE'S SIGNATURE

SUPERVISOR'S SIGNATURE